

# 31<sup>st</sup> G. A.

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I29bs Illinois. General Assembly. Senate.

Bills: proposed legislation introduced in the Senate. 31st General Assembly, January-May 1879, Bill no. 1-491.

Each bill carries a short synopsis and credits the legislators introducing it.

Senate resolutions are at end of bills.

Sequential numbers assigned at time of filing.

Numbering begins anew with each biennium.

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31\* 2. 4.



1. Introduced by Mr. Bash Jan. 9, 1879, and ordered to first reading.
2. First reading Jan. 11, 1879, and referred to Committee on Municipalities.
3. Reported back with recommend that it be ordered to a second reading and printed Jan. 30, 1879, so ordered.

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## A BILL

For an act to authorize park commissioners to establish, maintain and regulate drives to public parks and boulevards.

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SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That any persons, composing a board of park commissioners, who have been declared to be corporate authorities of any town or towns, village or villages, city or cities, for the purpose of locating, establishing, enclosing, improving, or maintaining, any public park, boulevard, driveway, highway, or other public work or improvement, shall have the power to select any public street or streets, avenue or avenues, or part thereof, convenient for the public access to any of said parks, or boulevards; and exercise all powers over the same now conferred by law upon such corporate authorities over such parks and boulevards; *Provided*, that the consent of the supervisor of any town, the trustee of any village and the common council of any city, within which any such street or avenue shall lie, shall first be obtained in writing, and such consent shall be subject to revocation.

§ 2. That said corporate authorities shall have the power, from time to time, to assess upon contiguous property and cause to be collected a sum of money not exceeding the estimated cost of any first improvement, or improvements, of such driveways, but not for the repair thereof, and for this purpose said corporate authorities, and all public officers, are hereby vested with all the powers now conferred upon them by law, relating to the purchase and condemnation of property for parks and boulevards.

2 and improved forthwith, therefore, an emergency exists and this act shall take effect  
3 and be in force, from and after its passage

1. Introduced by Mr. Tuliaferro, January 9, 1879, and ordered to first reading.
2. First reading January 11, 1879, and referred to Committee on Agriculture and Drainage.
3. Reported back with Amendments, and ordered to a second reading, and six hundred copies to be printed with Amendments.

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#### AMENDMENTS TO S. B. No. 3.

SECTION 46. The word "ditch," when used in this act, shall be held to include a  
2 drain or water course, and the petition for any such improvement shall be held to in-  
3 clude any side, lateral spur, or branch, ditch, drain or water course necessary to be con-  
4 structed to secure the object of the improvement whether the same be mentioned there-  
5 in or not, and this act shall extend to and include the straightening of streams and  
6 watercourses, and cleaning drift wood out of the same, and the making such ditches  
7 or drains as may be found necessary to divide the overflow of any stream or water-  
8 course, and streams and watercourses may be straightened, drift wood out  
9 by this act. If it becomes necessary to construct more than one channel, or branch  
10 ditch, for the flow or discharge of water of any stream or watercourse, the same may  
11 be done in one petition in the same proceeding as herein mentioned or by a separate  
12 petition.

§ 47. A petition may be filed asking for a covered drain or ditch, to be laid under  
2 the surface of the ground, with tile or boxing, or at the hearing of any petition for an  
3 open ditch, any person interested and having land that may be benefited thereby, or  
4 for sanitary purposes, may make a written application for such a covered drain to be  
5 constructed as aforesaid, and the said commissioners may be directed to erect and con-  
6 struct the same if necessary.

§ 48. A petition may be filed asking for a covered drain or ditch to be laid under  
2 the surface of the ground with tile or boxing, or at the hearing of any petition for an  
3 open ditch, any person interested and having land that may be benefited thereby, or  
4 for sanitary purposes, may make a written application for such a covered drain to be  
5 constructed as aforesaid, and the said commissioners may be directed to erect and con-  
6 struct the same if necessary.

§ 49. At the hearing of the petition or at any time thereafter, if any person interested in the location of a ditch or levee make written request to change route of the ditch or levee for his own special interest and convenience, the court may so order said change to be made if found to be advantageous, and if a good and sufficient ditch or levee can be made; but in all cases where such change would increase the work the whole of the increase amount of work shall be paid by the person making such request, in case said change is so made in addition to their proper share of the balance of the ditch unless such change will be of benefit to the general plan of such ditch and the lands through which such ditch shall be constructed.

§ 50. All ditches and drains shall at all times be kept in good order and repair by the Commissioners and all parties, persons, companies, corporations, counties, townships benefitted thereby shall pay their or its proportionate amount of cost which shall be ascertained by the Commissioners, and if they and the parties bound to pay the same, cannot agree, then the Commissioners are to make out the amount of each assessment that each should pay in their judgment and report the same to the Court, and the Court shall then make such order thereon as may seem just and equitable.

§ 51. For the purpose of keeping any ditch or drain open and in good repair and condition that is now or may hereafter be constructed, when the same is neglected by said Commissioners, any one or more resident land owners taxed for the construction thereof, or persons interested in the sanitary conduct of the community, may make their statement in writing to the County Court setting forth the necessity of cleaning and repairing such ditch, what repairs or cleaning they deem necessary together with the estimated cost to perform the same, and if the Court think it proper, shall direct the levy and collection of such amount as may be necessary to do such work, and require the Commissioners to do the same.

§ 52. When a ditch, drain or levee established under this act, drains or levees either in whole or in part, any public or corporate road or railroad so as to benefit any of such roads, so that the road, bed or traveled track of such road will be improved by the construction of said ditch, drain or levee, the Commissioners shall apportion to the county, State or free turnpike road to the township—if a township road—to the company, if a corporate road or railroad, such portions of the cost and expenses thereof, as to private individuals, and require them to pay such cost and perform such labor in

8 like manner as individuals, and in case there is a disagreement of such assessments, the  
9 same must be determined by the Courts as in other cases.

§ 53. When any proposed ditch, drain or levee extends into more than one county,  
2 application may be made as aforesaid, to the County Court of any one of such counties  
3 through which the general line of such work may run or be constructed.

§ 54. When a ditch, drain or levee has been located under the provisions of this  
2 act, of sufficient capacity to carry off the water that flows to it, together with the  
3 proper drainage of the land taxed for the construction of the same, such lands shall  
4 not be again taxed or assessed for the benefit of improving any lands lying above the  
5 lands taxed for the construction thereof; and in all cases where any such ditch em-  
6 ties into any lower ditch above described, for the benefit of lands lying above the lower  
7 ditch, the Commissioners under the direction of the Court, shall levy a sufficient tax on  
8 such land benefitted by the new ditch, to enlarge such lower ditch so as to confine the  
9 water to the same level that it originally had before an additional amount of water  
10 emptied into such lower ditch, for the benefit of lands lying above the lower ditch.

§ 55. The owners of all lands assessed by virtue of this act shall be permitted un-  
2 der the directions of the commissioners to work out or furnish any necessary material  
3 in payment of such assessments, saving and excepting so much as will be necessary to  
4 pay the commissioners for their services, court fees, damages to  
5 and other contingent expenses as will be necessary to be paid in money which amount  
6 is to be determined by the commissioners subject if necessary to the consideration of  
7 the Court in case of the disagreement of parties concerned in the payment of the  
8 same.

§ 56. Said commissioners in constructing any of such work or improvement to do  
2 anything necessary to make the work good and substantial.

## A BILL

For an Act to Build and Construct Levees for, and the Protection of Overflowed Lands, and for Draining Wet and Swamp Lands, Coal Mines, and all Mines not herein mentioned by Special Assessment of all Lands benefitted thereby.

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SECTION 1. *Be it enacted by the people of the State of Illinois represented in the General*  
2 *Assembly, That when any one or more owner or owners, occupant or occupants, of land,*  
3 *coal mines, or any other mines, including companies and corporations, in this State,*  
4 *shall desire a drain or drains, ditch or ditches, levee or levees, across the land of another*  
5 *or others, for agricultural, sanitary or mining purposes, or for all or any of said pur-*  
6 *poses, such person or persons may file a petition in the County Court of the county in*  
7 *which said levee or levees, ditch or ditches, drain or drains, shall be proposed to be con-*  
8 *structed, setting forth the necessity of the same, with the description of its or their*  
9 *starting point, route and terminus, and that it is necessary for the drainage of the land*  
10 *or coal mine, or for sanitary or agricultural purposes, or if for a levee, that it is neces-*  
11 *sary to prevent the overflow of said lands, or for either or all of said purposes, that the*  
12 *levee, drain or ditch, or similar work be constructed, and shall set forth and give the*  
13 *description of the land upon which the same shall be constructed, and the land that*  
14 *will be benefitted thereby, and the names of the owner or owners of the land, or the*  
15 *proprietor or proprietors thereof, upon which the same is to be constructed, and which*  
16 *is to be benefitted thereby, if known, who shall be made parties defendant thereto, and*  
17 *praying that the cost of such improvement may be assessed against all the land bene-*  
18 *fitted thereby, and that three Commissioners be appointed to lay out and construct said*  
19 *work; and upon the hearing of said petition, the Court, if found advisable, may allow*  
20 *the same, and shall appoint said Commissioners; but if such petition is not allowed,*  
21 *the person or persons making the petition, shall pay the costs; but if allowed, the*  
22 *costs shall be paid by the Commissioners out of the fund raised to construct and repair*  
23 *such work, and the same proceedings may be had in case it is desired to repair or im-*  
24 *prove any levee, ditch or drain already constructed. Provided, nothing herein con-*  
25 *tained shall prevent the parties interested, from making any contract in writing to be*

26 acknowledged and recorded as deeds of conveyances of real estate, and any contract so  
27 made, shall run with the title to the lands affected thereby, until the same shall be  
28 amended, as is provided for in this act.

§ 2. If the petition is for the drainage of any mine, or for draining wet land, and it  
2 is practicable for its ditch or drain to be made under the surface of the ground, the same  
3 may be so constructed if it be more advantageous so to do, by laying pipe-tile or  
4 boxing made of good and substantial material a sufficient distance under the surface  
5 of the ground, to avoid obstruction or inconvenience to the owner or occupant of the  
6 land over which the same is located.

§ 3. Such levee, drain or ditch, when located and established, shall have perpetual  
2 existence unless otherwise annulled, in whole or in part, for good cause shown to said  
3 Court upon petition made to such County Court by any person or persons interested  
4 who may feel aggrieved thereby.

§ 4. Such levee, drain or ditch, shall be constructed and afterwards kept in order  
2 by said Commissioners to be appointed by the Court, as aforesaid, at the time of the  
3 granting of said petition, and such other Commissioners as shall be appointed by the  
4 Court from time to time, as may be found necessary as hereinafter mentioned, who  
5 shall report to said County Court, all of their proceedings in the erection of improving  
6 or repairing said levee, ditch or drain, at the next regular term after the work has  
7 been done.

§ 5. When a petition has been filed as provided in the first section of this act the  
2 County Clerk shall issue summons for all the parties made defendants to such petition  
3 which be served on all of them found in said county by the Sheriff or other proper  
4 officers of such court at least ten days before said case is set for hearing, and if any of  
5 such defendants cannot be found in said county or have not been served with summons  
6 aforesaid, thereby, petitioner or petitioners shall cause at least two weeks notice of the  
7 pendency of said petition by posting notices in three of the most public places in such  
8 township or townships and in each of said townships through which said levee or  
9 levees, drain or drains, ditch or ditches or other works is or are proposed to be con-  
10 structed and also by publishing a copy thereof in some newspaper published in the  
11 county in which the petition is filed and if there is no newspaper published in said  
12 county then said notice shall be published in a newspaper in the nearest county to that

13 in which said petition is filed, at least once in each week for two successive weeks be-  
 14 fore the hearing of such petition, such notice shall state when, where and in what  
 15 Court such petition is filed, the starting point and terminus of such levee, drain or  
 16 ditch and the lands over which the same is proposed to be located.

§ 6. Such petition may be presented to the Judge of said Court during vacation  
 2 and may be heard during vacation, he shall note therein the day of the presentation of  
 3 the petition to him if on vacation and the day he will hear the same, which shall be as  
 4 soon thereafter as the summons and publication can be served and made conveniently  
 5 as herein mentioned and the Court shall in such case order the summons and notices  
 6 to be made as herein required (at the time of the presentation of said petition, to the  
 7 Court) if presented during vacation.

§ 7. The proceedings herein shall be the same as in chancery proceedings in this  
 2 State and the summons and service thereof shall be the same.

§ 8. Before entering upon the duties of their office, such Commissioners shall take  
 2 and subscribe an oath faithfully to discharge their duties of their Office without favor  
 3 or partiality and to render a true account of their doings to the Court, whenever re-  
 4 quired by law or by order of the Court.

§ 9. They shall elect one of their number Chairman and may elect one of their num-  
 2 ber or some other person as Secretary, a majority of the Commissioners shall consti-  
 3 tute a quorum and a concurrence of a majority of their number in any matter within  
 4 their duties shall be sufficient.

§ 10. As soon as may be after their appointment or in such time as the Court may  
 2 direct, the commissioners shall examine the land proposed to be drained or levied and  
 3 the lands over or upon which the work is proposed to be constructed and enquire and  
 4 determine—

5 *First.* Whether the starting point route and terminus of the proposed drain or  
 6 drains, ditch or ditches, and if a levee or other work is proposed, the proposed location  
 7 thereof is or are in all respects proper or most peaceable, and if not what is or are so.

8 *Second.* The probable cost of the proposed work, including all incidental expenses.

9 *Third.* What lands will be injured thereby and the probable aggregate amount of all  
 10 damages such lands will sustain by reason of the laying out and construction of the  
 11 proposed work.



12 *Fourth.* What lands will be benefitted by the construction of the proposed work  
 13 and whether the aggregate amounts of benefits will equal or exceed the cost of con-  
 14 struction including all incidental expenses and costs of proceeding.

15 *Fifth.* What levee or levees, drain or drains, or other work, has been made and  
 16 work done upon said land if any that will be benefitted and may be used in the con-  
 17 struction of such levee, drain or ditch, the probable value of said work so done as  
 18 aforesaid and who did the same.

§ 11. If the Commissioners shall find that such costs and expenses are more than  
 2 equal to the benefits that will be bestowed upon the lands to be benefitted, they shall  
 3 so report and the proceedings shall be dismissed at the cost of the petitioners unless the  
 4 petitioners or any other person interested in said work, can show by competent evidence  
 5 that such report is erroneous.

§ 12. The Commissioners shall in case such petition is allowed, proceed to have the  
 2 proper survey, profile, plans and specifications thereof made and shall report their con-  
 3 clusions and submit a copy of such survey, profiles, plans and specifications to the  
 4 Court which appointed them together with the cost of construction and said report  
 5 shall be rejected by the Court, if it should appear that the expenses exceed the benefits  
 6 otherwise said report shall be approved by the Court and said Court may be convened  
 7 at any time for the purpose of acting upon such report.

§ 13. The Commissioners shall not be confined to the point of commencement route  
 2 and terminus of the levees, drains or ditches or to the number, extent or size of them,  
 3 or the location, plan or extent of any levee or work proposed by the petitioners, but  
 4 shall locate, designate, lay out and plan the same in such manner as they may think  
 5 will drain and protect the petitioners land and the lands of all other persons concerned  
 6 therein with the least damage and greatest benefit to all lands to be affected thereby and  
 7 any plans proposed by said Commissioners may on the application of any person inter-  
 8 ested, or of the Commissioners be altered upon the order of the Court in such manner  
 9 as shall appear to the Court to be just.

§ 14. If upon the hearing the Court shall be of opinion that the objections are not  
 2 well taken, or if no objections shall be made it shall order the confirmation thereof, if it  
 3 shall appear that the same ought to be modified and the Court shall be sufficiently in-  
 4 formed in the premises it shall modify the same to conform to the equities in the prem-

ise, or if not sufficiently informed it shall order the Commissioners to review and correct their report and may make specific directions in what respect they shall reform their report and the Court may make all necessary orders in the premises either for the continuance of the hearing or other lawful purpose.

§ 15. If the report is referred back to the Commissioners for amendment, the Court may fix a day when the Commissioners shall again present their report in which case the hearing shall stand adjourned to that day, and no further notice shall be required thereof, if no day shall be fixed for such report the cause shall be continued until the next term of the Court when it shall stand for hearing.

§ 16. When its report of the Commissioners shall be confirmed, the Court shall cause its jury to be impanelled of twelve. Real estate owners, competent to set as jurors, and possessing all the other qualifications required by law for jurors in all other cases, and who shall be in nowise interested in said work, or of kin to any of the parties interested therein, and who do not reside in the township in which said work is to be constructed, who shall be sworn to faithfully and impartially perform the duties required of them, to the best of their understanding and judgement, and to make their assessments according to law. There shall not be more than two of said jury taken from any one locality or neighborhood, but shall be chosen equally from such other township or towns in said county as is not immediately interested in the construction of such work.

§ 17. In either case, the jury shall elect one of their number as foreman, and shall proceed to examine the land to be effected by the proposed work; and ascertain, to the best of their ability and judgement, the damages and benefits which shall be sustained by, or will accrue to the land so effected by the construction of the proposed work, and shall make out an assessment roll in which shall be set down in proper columns, the names of the owners, and if not known, to state the same when known; a description of the premises effected, in words or figures, or both, as shall be most convenient, the number of acres in each tract, and if damages are allowed, the amount of the same, and if benefits are assessed against same tract of land, the balance, if any, shall be carried forward to a separate column for damage or benefits, as the case may be.

§ 18. In making such assessment the jury shall award and assess the damages and benefits in favor of and against each tract, separately in the proportion in which such

3 tract of land shall be damaged or benefitted, and in no case shall any tract of land be-  
 4 assessed or benefitted in a greater amount than its porportional share of its estimated  
 5 cost of the work and the expenses of the proceeding, nor in a greater amount than it  
 6 will be benefitted by the proposed work according to the best judgment of the jury.

§ 19. When it shall appear to the jury that a drain, ditch, levee or other work has  
 2 been in whole or in part previously constructed for the purpose of draining any land  
 3 to be affected by the work proposed under this charter, and such work shall be found  
 4 to be of benefit to such lands, or that any of the lands to be benefitted have borne any  
 5 part of the expenses of such previous work pursuant to any assessment or otherwise  
 6 the jury may allow to the owner of such land and deduct from the assessment which  
 7 they make against the same the amount of the expense of such work so borne by such  
 8 land or the owners or the proprietors thereof, or such part thereof as will make an  
 9 equality of burdens and benefits as between the several owners or proprietors of the  
 10 lands benefitted.

§ 20. When the jury shall have completed their assessment of damages and bene-  
 2 fits they shall fix upon a time and place when they will attend before said court either  
 3 in term time or vacation for the correction of their assessments, and shall notify the  
 4 commissioners of such time, and the commissioners shall give not less than ten days  
 5 notice of such time and place, by posting notices in the township in which said work  
 6 is to be constructed or repaired, and by causing a copy of said notice to be sent by  
 7 mail, addressed to each owner or occupant of land allowed damage or assessed for  
 8 benefits, whose names and residences are known to such commissioners at least six days  
 9 before the time fixed for said meeting, the affidavit that said notices are so posted by a  
 10 creditable person, or that he, she, or they, had put such notices in the post-office  
 11 addressed to the owner or occupant named therein at the post-office where he or she  
 12 usually gets his or her mail, postage paid, shall be sufficient evidence of the service  
 13 and sending of such copies of notice, and the putting up of such notice in pursuance  
 14 to this section.

§ 21. At such hearing the court shall preside, and may compell the attendance of  
 2 witnesses, and enforce order in the same manner as in other proceedings before the  
 3 court, and in case any jurors shall fail to appear, may attach him for contempt, or may  
 4 impanel another in his stead, and may at any time during the proceedings in making

6 or considering their assessment impanel other jurors in place of any one who shall  
 6 refuse or fail to act, or shall be excused and administer to such jurors the oath required  
 7 by this charter as herein provided for.

§ 22. The jury shall appear at the time and place appointed, and shall hear all ob-  
 2 jections that may be then and there made by the owners and occupants of said land,  
 8 who may be allowed damage, or who are assessed for benefits by its Commissioners to  
 4 the allowance of any damage, or the assessment of benefits against or for any of said  
 5 lands, and shall make such corrections as shall seem to them just, and shall adjust such  
 6 assessments so as to make them just and equitable, and any of the parties interested  
 7 may introduce such other evidence and proof as they may desire, and the judge of such  
 8 Court shall preside in such meeting, as in case of any other trial, and make such rul-  
 9 ings in the case as may seem just and lawful.

§ 23. Such assessments shall be a lien upon said lands from the time the same are  
 2 made, and superior to any other lien except the several taxes that are required to be  
 3 levied and collected by law.

§ 24. The names of the parties notified, and the names of the parties making objec-  
 2 tions, shall be placed upon the records and made parties defendants to the proceedings,  
 8 and each party objecting, shall be required to make the same in writing, and file them  
 4 in the case, and the same shall be made a part of the proceedings in the case.

§ 25. If no objections shall be made at the time and place appointed to hear objec-  
 2 tions, or when found correct or corrected; upon the hearing, the Court shall confirm  
 3 such assessment; a certified copy of which shall be made out by the clerk and delivered  
 4 to the Commissioners.

§ 26. Any of the parties to the proceedings feeling themselves aggrieved may ap-  
 2 peal to the Circuit Court at any time within five days, from the filing of the order as  
 8 aforesaid by entering into such bond as may be required by the Court which shall be  
 4 sufficient to cover all damage and cost and the case on appeal shall be tried *de novo*  
 5 only as to the questions complained of by the parties aggrieved and the Court shall  
 6 allow or reject the same and order the case back to the County Court for further pro-  
 7 ceedings therein, unless either party desire to appeal to the Appellate Court which they  
 8 may do as in other cases of appeal to said Court, provided that in no case shall the  
 9 work be stopped on account of such appeals either to the Circuit or Appellate Court.

§ 27. At the time of its confirming such assessments it shall be competent for the Court to order the assessment of the benefits to be made in installments of such amounts and at such times as shall be convenient for the accomplishment of the proposed work, otherwise the whole amount of such assessments shall be payable immediately upon such confirmation and shall be a lien upon the land assessed until paid.

§ 28. Immediately after the entry of each confirmation of the Court the Clerk shall make out and certify to the Commissioners a copy of such assessment roll, which shall be made a matter of record in each Court, and shall be a notice of the lien thereof to all persons from the entry thereof by the Court.

§ 29. The commissioners, upon receiving such assessment may proceed to collect the same, or any installments thereof, and for that purpose may institute suit in their own names as drainage commissioners, by a petition, to said county court, when all the parties who are delinquent in the payment of their assessments may be sued in one petition if thought advisable, and the same proceedings may be had by way of summons, and of notice to the defendants, and the pleadings therein shall be the same as in cases of chancery in this State.

§ 30. In case the assessments for benefits shall be payable in installments, they shall draw interest at the rate of ten per cent. per annum, payable annually from the time of the confirmation of the assessment roll or from such subsequent date as the court shall direct until they are paid and such interests may be collected and enforced in the same manner as the assessment or any installment thereof.

§ 31. The order of said court making and decreeing such assessments as herein provided for, shall provide a reasonable time for the payment of the same and operate as a judgment *in rem* against each of the tracts of land included in such order for its several amounts assessed against each tract of land as well as a personal judgment severally against each of the defendants for the amount of their assessments in the case, and execution shall issue thereon if necessary, as in other cases in law in this State, and such execution shall include all who are delinquent in the payment of such assessment, such execution shall particularly set out the manner in which the order requiring such assessment shall be collected, and the sheriff shall so collect the same, and in no other manner, and in case he shall be compelled to sell said lands or any of them, or the other lands or property of any of the parties, then said land or property shall

be so advertised and sold in the same manner, and if lands subject to the same renditions, and the sheriff shall give the same kind of certificate of purchase as is now provided by law for sale of land or other property under execution.

§ 32. This act shall not be construed to impair any assessment made or any bond or any other evidences of indebtedness issued under any other act which is in force and binding by law.

§ 33. The Commissioners appointed by virtue of this chapter, shall not collect or receive any money for the purposes therein specified, until they shall have given bond payable to the people of the State of Illinois, for the use of all persons interested, in a sum not less than twice the amount of the assessment, for benefits payable in any one year, with such security as shall be approved by the judge of the Court, conditioned for the faithful application of all moneys that may be received by them as such Commissioners, and to make due account thereof, to the Court whenever required, which bond shall be filed in the Court in which the proceedings are had, the Court may require an additional bond from time to time, when found necessary.

§ 34. The Commissioners, when appointed and qualified pursuant to this chapter, may do any and all other acts that may be necessary in and about the survey, laying out, constructing, repairing, altering, enlarging, clearing, protecting and maintaining, any drain, ditch, levee or other work for which they shall have been appointed, including all necessary bridges, crossings, embankments, protections, dams, and may employ all necessary agents and servants, and enter into all necessary contracts, and as Drainage Commissioners, may sue and be sued, and for the purposes above mentioned, may enter into the land through which the ditch, drain or levee may run, and use, appropriate and occupy such portion of such land, and commit such waste as may be necessary to fully and completely carry out and perform the power herein delegated, and shall have entire control and provision of the land taken and condemned for the purposes herein provided for.

§ 35. Any person, who shall in violation of this act, willtully prohibit or prevent said Commissioners from entering such lands for the purpose aforesaid, shall be fined in a sum not to exceed twenty-five dollars per day, for such hinderances, to be collected as other fines are by law.

§ 36. The Commissioners may borrow money, not exceeding the amount of the assessments unpaid at the time of the borrowing, for the construction of any work they shall be authorized to construct, and may secure the same by note or bond, bearing interest at the rates not exceeding seven per cent per annum, and not running beyond one year after the last assessment, on account of which the money is borrowed shall fall due, which notes or bonds shall not be held to make the Commissioners personally liable for the money borrowed, but shall constitute a lien upon the assessment for the repayment of the principal and interest thereof.

§ 37. When it shall appear that the drain, ditch or levee, or other work has been in whole or in part constructed for the purpose of draining or preventing an overflow on any land to be benefitted by the construction of any work, which they shall be authorized to construct and the whole or any part of the costs of such work shall have been paid or incurred by any person or corporation if such work shall be valuable for the purpose of draining the land or preventing overflow and can be useful therefor by such commissioners, according to their plans they shall allow and pay to such person or corporation the actual value thereof, for such purpose.

§ 38. All damage over and above the benefits to any tract of land shall be payable out of the amounts assessed against other lands for benefits and shall be paid or tendered to the owner thereof before the commissioners shall be authorized to enter upon his land for the construction of any work thereon, in case the owner is known; in case the owner is unknown or there shall be a contest in regard to the ownership of the land, or the commissioners cannot for any reason safely pay the same to the owner they shall deposit the same with the Clerk of the Court, and the Court shall order the payment thereof as shall appear, to be entitled to the same after which the commissioners are requested to proceed with the work.

§ 39. The Commissioners shall receive for their services the sum of \$2.00 per day for each day they shall be actually engaged in the business of their appointment, they shall fix the compensation of all other servants, agents and employees not to exceed the ordinary charges for the work to be done.

§ 40. The Commissioners shall as often as once in each year, after their appointment, and as much oftener as the Court shall require, make a report to the Court by

3 which they were appointed showing the amount and kind of work done and the man-  
 4 ner in which the same is being done.

§ 41. Any person who shall wrongfully and purposely fill up, cut, injure or destroy  
 2 or in any manner impair the usefulness of any ditch, drain, levee or other work con-  
 3 structed under this chapter or may hereafter be constructed for the purpose of drain-  
 4 age or the protection of overflow shall be fined in any sum not exceeding \$500 or im-  
 5 prisoned in the county jail not exceeding one year, if the injury be to any levee whereby  
 6 lands shall be overflowed he may on conviction in any Court of competent jurisdiction  
 7 be fined in any sum not exceeding \$5,000 or imprisoned in the county jail not exceed-  
 8 ing two years or both at the discretion of the Court.

§ 42. The Court may at any time for good cause remove any commissioner appoint-  
 3 ed by it and appoint another in its place and may fill all vacancies by death, resigna-  
 4 tion, removal or otherwise and may appoint a new Commissioner or require the Com-  
 5 missioners appointed to repair or cleanse any work, ditch or drain that shall have been  
 6 constructed, or repair any levee, ditch or drain.

§ 43. Any one or more new assessments may be made in any manner herein before  
 2 provided on the suggestion of the Commissioners or the majority of them or any owner  
 3 or occupant of lands or other person affected by any work authorized by this chapter  
 4 either to supply any deficiency in any other assessment or to repair, alter, enlarge,  
 5 cleanse, protect or maintain any ditch, levee or other work constructed by virtue of this  
 6 chapter.

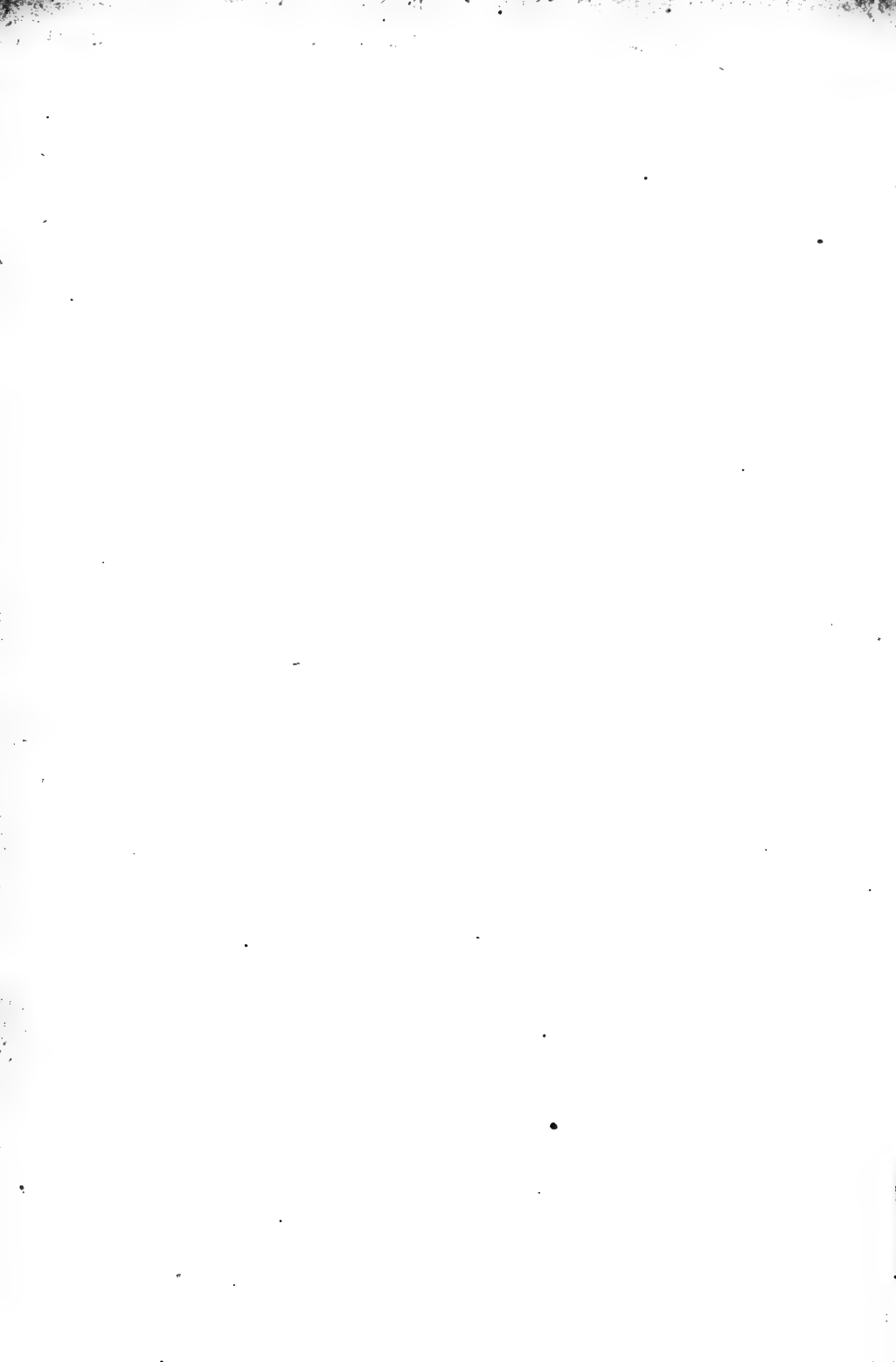
§ 44. All complaints to recover fines provided for in this chapter, shall be brought  
 2 in the name of the People of the State of Illinois, by warrant for the arrest of the party,  
 3 and all fines, when collected, shall be paid over to the proper commissioner, to be used  
 4 for the work so injured or any other portion of said work. Such complaint shall be  
 5 made on the oath of the prosecutor setting out the offense.

§ 45. In addition to the penalties provided for in this chapter, the person so wrong-  
 2 fully and purposely filling up, obstructing, cutting, injuring, destroying or impairing  
 3 the usefulness of any such drain, ditch, levee or other work, shall be liable to the com-  
 4 missioners having charge thereof for all damages done to such work, for which they  
 5 may sue as drainage commissioners in any appropriate action, and also to the owners  
 6 or occupants of lands for all damages that may result to them by said wrongful act



7 which may be recovered by them in their own name in any court of competent  
8 jurisdiction.

§ 46. That the act providing for the construction and protection of drains, ditches,  
2 levees and other work, approved April 27, 1871, be and the same is hereby repealed.



1. Introduced by Mr. Fuller Jan. 9, 1879, and ordered to first reading.
2. First reading Jan. 11, 1879, and referred to Committee on Judiciary.
3. Reported back, recommended to be ordered to second reading. So ordered Feb. 22, 1879.

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## A BILL

For "An Act to revise the law in relation to Interest, and to prevent usurious contracts."

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SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the rate of interest upon the loan or forbearance of any money, goods or thing in action, shall be five dollars upon one hundred dollars for one year, and at same rate for a greater or less sum, or for a longer or a shorter time, except as herein otherwise provided.

§ 2. Creditors shall be allowed to receive at the rate of five per centum per annum for all moneys after they become due on any bond, bill, promissory note or other instrument in writing; on money lent or advanced for the use of another; on money due on the settlement of account, from the day of liquidating accounts between the parties and ascertaining the balance; on money received to the use of another, and retained without the owner's knowledge; and on money withheld by an unreasonable and vexatious delay of payment.

§ 3. All judgments recovered before any court or magistrate shall draw interest at the rate of five per centum per annum from the date of the rendition of the same until satisfied. When judgment is entered upon any award, report or verdict, interest shall be computed at the rate aforesaid, from the time when made or rendered to the time of rendering judgment on the same, and made a part of the judgment.

§ 4. In all written contracts it shall be lawful for the parties to stipulate or agree that six per centum per annum, or any less rate of interest, shall be taken and paid upon every one hundred dollars of money loaned, or in any manner due and owing from any person or corporation to any other person or corporation in this State.

§ 5. It shall be unlawful for any person or corporation in this State, to directly or indirectly accept or receive, or contract to accept or receive, in money, goods, discounts or thing in action, or in any other way, any greater sum or greater value, for the loan, forbearance, or discount of any money, goods or thing in action, than as above prescribed.

§ 6. If any person or corporation in this State shall contract to receive a greater rate of interest or discount than six per centum, upon any contract, verbal or written, such person or corporation shall forfeit the whole of such interest so contracted to be received, and also the whole of the principal sum upon which such unlawful rate of interest shall have been contracted or agreed to be paid or received, and shall not be entitled to recover anything upon such usurious contract.

§ 7. The defense of usury shall not be allowed in any suit, unless the person relying upon such defense shall set up the same by plea, or shall file in the cause a notice in writing, stating that he intends to defend against the contract sued upon or offered as set-off, on the ground that the contract is usurious.

§ 8. When any bond, bill, draft, acceptance, mortgage or other contract, shall have been, or shall be made in this State, or between citizens of this State, or a citizen of this State and any other State, territory or country, bearing interest at a rate lawful by the laws of this State, may be made payable in any other State, territory or country, such contracts shall be governed by the laws of this State.

§ 9. Whenever in any statute, act, deed, written or verbal contract, or in any public or private instrument whatever, any certain rate of interest is, or shall be mentioned, and no period of time is stated for which said rate is to be calculated, interest shall be calculated at the rate mentioned, by the year, in the same manner as if "per annum" or "by the year" had been added to the rate.

§ 10. In all computations of time, and of interest, and discounts, a month shall be considered to mean a calendar month, and a year shall consist of twelve calendar months; and in computations of interest or discount for any number of days less than

4 a month, a day shall be considered a thirtieth part of a month, and interest or dis-  
5 count shall be computed for such fractional parts of a month upon the ratio which such  
6 number of days shall bear to thirty.

§ 11. Any person who shall voluntarily, or otherwise, pay to any person or corpo-  
2 ration any usurious rate of interest, may sue for and recover of such person or corpo-  
3 ration, by any appropriate action, in any court having jurisdiction, the amount of such  
4 usurious interest, over and above the rate permitted by this act: *Provided*, such suit  
5 shall be instituted within six months after any such cause of action shall have ac-  
6 crued, and not afterwards.

§ 12. No person or corporation shall be relieved from the penalties provided by this  
2 act by reason of time being made the essence of the contract, and no greater rate of in-  
3 terest than that herein mentioned shall be taken or received, or contracted to be taken  
4 or received by any person or corporation, as a penalty for non-payment of any obliga-  
5 tion or contract at maturity. But all such contracts shall be considered, and are hereby  
6 declared to be usurious, within the meaning of this act.

§ 13. The act entitled "An Act to revise the law in relation to the rate of interest,"  
2 approved March 25, 1874, and in force July 1, 1874, and all other acts and parts of acts  
3 inconsistent herewith, are hereby repealed.



1. Introduced by Mr. Archer January 9, 1879, and ordered to first reading.
2. First reading January 11, 1879, and referred to Committee on Judiciary.
3. Reported back with recommendation that it be printed, ordered to second reading and to be printed January 20, 1879.

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## A BILL

For an act to provide for the construction of gravel ground, and rock or turnpike roads in this State.

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SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That it shall be lawful for the Commissioners of Highways of each town in counties under township organization, and the County Board of every county not under township organization, to employ competent and skillful engineers to survey and estimate the cost per mile of material and labor for constructing in their respective towns and counties, graded roads of rock and gravel, and shall have power to levy a tax upon the real and personal property of their respective towns and counties, according to the previous years assessment, for the purpose of paying the costs of such surveys and estimates.

§ 2. Said Commissioners of Highways and County Boards shall advertise for sealed proposals for such surveys and estimates, and let the same to the lowest responsible bidders, in all cases requiring bonds for the prompt and faithful performance of their contracts.

§ 3. The engineers employed by the Commissioners of Highways or County Boards aforesaid, shall make their surveys and estimates within the time fixed by their contracts, and make report in writing to said Commissioners or County Boards.

§ 4. The Commissioners of Highways and County Boards after ascertaining from the reports of such surveys and estimates, the cost per mile of constructing such roads in their respective towns and counties, shall submit the question of constructing the

4 same, to the voters of such towns and counties, specifying in each submission, the num-  
 5 ber of miles proposed to be constructed in such towns and counties in any one year,  
 6 and the cost of the same per mile, and the question may be submitted from year to  
 7 year, if carried in the affirmative, so long as there may remain in any town or county  
 8 so voting, any portion of the highways to be constructed into graded roads of rock and  
 9 gravel, but if in any town or county, such question shall be voted down by the people,  
 10 the same shall not be again submitted, unless petitioned for by a majority of the voters  
 11 of any town or county voting in the negative.

§ 5. Such question shall only be submitted at an election for members of the Gen-  
 2 eral Assembly, and a majority of all the votes cast on the question, shall be sufficient  
 3 for the adoption of the same.

§ 6. In the election notices required to be furnished by the County Clerks by sec-  
 2 tion 46 of "An act in regard to elections, and to provide for filling vacancies in elec-  
 3 tive officers," approved April 3, 1872; in addition to the several offices to be filled, he  
 4 shall also insert the words "Also to vote for or against the construction of      miles of  
 5 graded rock and gravel road in town      in      county, at the rate of \$  
 6 per mile, where the road is to be voted for or against, in a certain town or towns, in  
 7 counties under township organization," or these words where the road to be voted for  
 8 or against, is in a county not under township organization, viz: "Also to vote for or  
 9 against the construction of      miles of graded rock and gravel road in said county,  
 10 at the rate of \$      per mile."

§ 7. When such road may be voted for in any town or county, the Commissioners  
 2 of Highways in counties under township organization, or the County Board in coun-  
 3 ties not under township organization, shall determine in what part of the town or  
 4 county the number of miles of said road shall be constructed, and shall have power to  
 5 levy a tax at a rate on the previous years assessment, sufficient to construct said road.

§ 8. Whenever any town in counties under township organization, shall have voted  
 2 for and completed      miles of      of such road, it shall be lawful for the Board of  
 3 Supervisors, from year to year, to levy a tax sufficient for the construction of an equal  
 4 number of miles of such road in the same town.

§ 9. It shall be lawful for any tax-payers to commute for such road-tax in labor and  
 2 materials, by furnishing rock and gravel, and hauling the same at such rates and to



3 and from such places as may be fixed by the Commissioners of Highways or Super-  
4 visors of Roads in counties not under township organization.

§ 10. Those voting in favor of the construction of such roads, shall have written or  
2 printed, or partly written and partly printed, on their ballots "For the construction of  
3 miles of road in township or county." Those voting against; "Against  
4 the construction of miles of road in township or county."



1. Introduced by Mr. Herdman Jan. 9, 1879, and ordered to first reading.
2. First reading Feb. 11, 1879, and referred to Committee on Miscellany.
3. Reported back, passage recommended, and ordered to second reading February 19, 1879.

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## A BILL

For an Act entitled "An act to establish a Board of Fish Commissioners to increase the production of Fishes by artificial propagation and cultivation."

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SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the President, ex-President and Secretary elect of the State Board of Agriculture, shall constitute a State Board of Fish Commissioners, who shall nominate a practical fish culturist as a Superintendent, who will furnish the best facilities and at the best rates; and the said Superintendent be elected by a majority of votes of the whole Board of Agriculture.

§ 2. The State Board of Fish Commissioners to receive no compensation from the treasury, but shall be reimbursed their actual expenses for traveling and hotel, the whole not to exceed one hundred dollars per annum.

§ 3. It shall be the duty of each member of the State Board to see that his proportion of fish is distributed in the congressional district, and those fish believed by the Superintendent best adapted to the water.

§ 4. The State Board of Fish Commissioners shall hold their meeting the following day after the adjournment of the meetings of the State Board of Agriculture, and in same room and in the month of January in each year, and the Superintendent of the Fish Commissioners shall be the Secretary of the Board.

§ 5. The said Commissioners or any two of them shall draw their order upon the Auditor of Public Accounts, approved by the Governor, and the said Auditor of Public Accounts is hereby authorized and directed to draw his warrant on the State Treas-

4 urer from any appropriation made in pursuance of the purposes of this bill, as the same  
5 may be required to defray expenses incurred, and shall report to the Governor of the  
6 State all and singular, the items of such expenditures, together with the business trans-  
7 acted under their Commission ; such report to be made on or before the commencement  
8 of each fiscal year.

1. Introduced by Mr. Thomas, January 10, and ordered to first reading.
2. First reading January 11, and referred to Committee on Roads, Highways and Bridges.
3. Reported back with amendments, passage recommended, and ordered to second reading January 31.
4. February 11, second reading, amended and recommitted to Committee on Roads, Highways and Bridges.
5. March 28, reported back, passage recommended, and ordered to third reading.

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## A BILL

For an act to amend sections thirty (30) and thirty-three (33), and repeal section thirty-five (35) of an act entitled "An Act in regard to Gateways, Roads and Bridges in counties not under Township Organization," approved and in force April 18, 1873.

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SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, Sections thirty (30) and thirty three (33) of an act entitled "An Act in regard to gateways, roads and bridges in counties not under township organization," approved and in force April 18, 1873, be amended so as to read as follows:

SECTION 30. It shall be the duty of the clerk of the county court in each county to make out and deliver to the sheriff written notices to all the supervisors as aforesaid within twenty days after such appointment has been made informing them of their said appointment, and describing the bounds of their respective districts and the roads therein and the number of days labor assessed by the court, on all able-bodied men in his district, to be performed on public roads during the year; and also a list of all persons in such district assessed with a property tax for road purposes; if any such tax shall have been assessed by the county board and the amount due from each person and upon what real estate the same is assessed, and the said sheriff shall immediately deliver the said notices to the persons to whom the same shall be directed respectively; and if any supervisor shall refuse to accept his said appointment, the sheriff shall re-

12 turn the said notice to the clerk who issued the same, noting such refusal on the back  
 13 thereof, and the said sheriff shall in all cases make return of acceptance or refusal  
 14 within twenty days after the delivery to him of the notices aforesaid, and for any fail-  
 15 ure of the said clerk to make out and deliver to the said sheriff any one of said notices,  
 16 he shall be fined in the sum of ten dollars, and the sheriff shall incur the same penalty  
 17 for a failure to deliver any one of said notices within the time required in this section.

§ 33. It shall be the duty of each supervisor to keep all roads, bridges and cross-  
 2 ways in his district in good repair and condition, and for that purpose he shall apply all  
 3 road labor assessed in his district in the manner now provided by law, and he shall per-  
 4 mit all persons charged with a property tax for road purposes in his district to discharge  
 5 the same in labor on the public roads in his district, and for that purpose he shall, when  
 6 he deems necessary and proper, notify such persons when and where to meet, and what  
 7 tools or team to bring; to pay such tax in labor at the rate of one dollar and twenty-  
 8 five cents per day, and two dollars and fifty cents per day for team and driver; and all  
 9 tax not so discharged shall be returned to the county clerk by the supervisor in his  
 10 annual report, and shall be collected as other county revenue by the county col-  
 11 lector and paid into the county treasury and applied upon roads as now provided by  
 12 law.

SECTION 2. Section thirty-five (35) of an act entitled "An Act in regard to gateways,  
 2 roads and bridges in counties not under township organization," approved and in force  
 3 April 18, 1873, is hereby repealed.

1. Introduced by Mr. Thomas January 10, 1879, and ordered to first reading.
  2. First reading January 11, 1879, and referred to Committee on roads, highways and bridges.
  3. Reported back with amendments, passage recommended, and ordered to second reading January 31, 1879.
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AMENDMENTS REPORTED FROM COMMITTEE ON ROADS, HIGHWAYS AND  
BRIDGES.

- Amend by striking out the words "And that Section thirty-five of that act be re-  
pealed" being the eighth line of the written bill.
- Amend the sixty-sixth line of the written bill by striking out the words, "three dol-  
lars" and inserting instead, "two dollars and fifty cents."
- Amend by striking out the seventy-sixth, seventy-seventh, seventy-eighth, seventy-  
ninth lines of the written bill, and inserting in lieu thereof the following:
- (SECTION 2.) Section (35) of an act entitled an act in regard to gateways, roads, and  
bridges in counties not under township organization, approved and in force April 18th  
1873 is hereby repealed.
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A BILL

For An act to amend Sections 30 and 33 and repeal Section 35 of an act entitled an act  
in regard to gateways, roads and bridges in counties not under township organization  
approved and in force April 18, 1873.

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2 Assembly, Sections 30 and 33 of an act entitled an act in regard to gateways, roads, and  
 3 bridges in counties not under township organization, approved and in force April 18,  
 4 1873, be amended so as to read as follows, and that Section 35 of that act be repealed:

Section 30. It shall be the duty of the Clerk of the County Court in each county to  
 2 make out and deliver to the Sheriff written notices to all the supervisors as aforesaid  
 3 within twenty days after such appointment has been made informing them of their  
 4 said appointment, and describing the bounds of their respective districts and the roads  
 5 therein and the number of days labor assessed by the Court on all able-bodied men in  
 6 the county to be performed on public roads during the year; and also a list of all per-  
 7 sons in such district assessed with a property tax for road purposes; if any such tax  
 8 shall have been assessed by the county board and the amount due from each person and  
 9 upon what real estate the same is assessed and the said Sheriff shall immediately de-  
 10 liver the said notices to the persons to whom the same shall be directed respectively;  
 11 and if any supervisor shall refuse to accept his said appointment, the Sheriff shall re-  
 12 turn the said notice to the clerk, who issued the same, noting such refusal on the back  
 13 thereof, and the said Sheriff shall in all cases make return of acceptance or refusal  
 14 within twenty days after the delivery to him of the notices aforesaid, and for any fail-  
 15 ure of the said clerk to make out and deliver to the said Sheriff any one of said no-  
 16 tices, he shall be fined in the sum of ten dollars, and the Sheriff shall incur the  
 17 same penalty for a failure to deliver any one of said notices within the time required  
 18 in this section.

§ 33. It shall be the duty of each supervisor to keep all roads, bridges and cross-  
 2 ways in his district in good repair and condition and for that purpose he shall apply  
 3 all road labor assessed in his district in the manner now provided by law, and he shall  
 4 permit all persons charged with a property tax for road purposes in his district to  
 5 discharge the same in labor on the public roads in his district, and for that purpose he  
 6 shall when he deems necessary and proper, notify such persons when and where to  
 7 meet, and what tools or team to bring; to pay such tax in labor at the rate of one  
 8 dollar and twenty-five cents per day, and three dollars per day for team and driver;  
 9 and all tax not so discharged shall be returned to the County Clerk by the supervisor  
 10 in his annual report and shall be collected as other county revenue by the county col-



3  
11 lector and paid into the county treasury and applied upon roads as now provided by  
12 law.

§ 35. Of the act to which this is an amendment is hereby repealed and all acts and  
2 parts of acts inconsistent with this act.



1. Introduced by Mr. Jones January 10, 1879, and ordered to first reading.
2. First reading January 11, 1879, and referred to Committee on Judiciary.
3. Jan. 22, 1879, reported back with recommendation to lie on table. So ordered.
4. Feb. 6, 1879, taken from table and referred to Committee on Counties and Township Organization.
5. Feb. 24, 1879, reported back with amendments, and ordered to second reading.

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Amend by adding to section two (2): *Provided*, that nothing in this act shall apply

- 2 to any officer or officers who are now required by law to make and publish such an-  
3 nual statement.

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### A BILL

For an Act to require officers having in their custody public funds to prepare and publish  
an annual statement of the receipt and disbursement of such funds.

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SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General*  
2 *Assembly, That each and every public officer elected or appointed, of each and every*  
3 *county and township in this State, who shall by virtue of his or her office, have the*  
4 *custody of public funds, shall, at the expiration of each fiscal year, prepare a state-*  
5 *ment of the amount of public funds received and expended by him or her during the*  
6 *fiscal year just closed, which statement shall show the amount of public funds, if any*  
7 *on hand at the commencement of said fiscal year, the amount of public funds re-*  
8 *ceived, and from what sources received, the amount of public funds expended and for*  
9 *what purposes expended; and the officer making such statement shall subscribe and*  
10 *swear to the same before some person authorized to administer oaths; and such offi-*  
11 *cer shall cause such statement to be published in some newspaper published in the*  
12 *county in which such officer holds his or her office, for two successive weeks, and if no*

13 newspaper be published in such county, then such officer shall make three written cop-  
14 ies of such statement and post them in three of the most public places nearest to the  
15 location of his or her office: *Provided*, that the provisions of this act shall not apply to  
16 township collectors in counties under township organization.

§ 2. Any public officer of any county or township in this State, who, by virtue of  
2 his or her office, shall have the custody of public funds, and who shall refuse or neglect  
3 to comply with the provisions of the first section of this act, shall be deemed guilty of  
4 a misdemeanor, and upon conviction thereof, shall be fined not less than fifty dollars  
5 nor more than five hundred dollars, at the discretion of the court, which fine shall be  
6 paid into the treasury of the county or township in which the officer convicted of said  
7 misdemeanor shall hold his or her office; and it shall be the duty of the State's Attor-  
8 ney for the county in which said misdemeanor is committed, to bring suit against any  
9 public officer charged with the violation of the provisions of this act, in any court hav-  
10 ing jurisdiction.

1. Introduced by Mr. Joslyn January 10, 1879, and ordered to first reading.
2. First reading January 11, 1879, and referred to Committee on Revenue.
3. Reported back with Amendments, passage recommended, and ordered to second reading February 1, 1879.

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#### AMENDMENTS REPORTED BY COMMITTEE ON REVENUE FEBRUARY 1, 1879

Amend Senate Bill No. 15, by striking out the "eleventh section."

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### A BILL

For an act to amend Section 2 of Chapter 120, of the Revised Statutes, entitled "An act for the assessment of property, and for the levy and collection of taxes," approved March 30, 1872.

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SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General*

2 *Assembly, That Section 2 of Chapter 120, of the Revised Statutes, entitled "Revenue"*  
3 *be so amended as to read as follows:*

4 All property described in this section, to the extent herein limited, shall be exempt  
5 from taxation; that is to say:

6 *First.* All lands donated by the United States for school purposes, not sold or leased;  
7 all public school houses, all property of institutions of learning, including the real  
8 estate, on which the institutions are located, not leased by such institutions or other-  
9 wise used with a view to profit.

10 *Second.* All church property actually and exclusively used for public worship, not  
11 exceeding in value five thousand (\$5,000) dollars for each congregation, when the land  
12 (to be of reasonable size for the location of the church building) is owned by the con-  
13 gregation.

14 *Third.* All lands used exclusively as grave-yards or grounds for burying the dead.

15 *Fourth.* All unentered Government lands, all public buildings or structures of what-  
16 soever kind, and the contents thereof, and the land on which the same are located, be-  
17 longing to the United States.

18 *Fifth.* All property of every kind belonging to the State of Illinois.

19 *Sixth.* All property belonging to any county, town, village or city, used exclusively  
20 for the maintenance of the poor; all swamp or overflowed lands belonging to any  
21 county, so long as the same remain unsold by such county; all public buildings belong-  
22 ing to any county, township, city or incorporated town, with the ground on which such  
23 buildings are erected, not exceeding in any case, ten acres.

24 *Seventh.* All property of institutions of purely public charity, when actually and ex-  
25 clusively used for such charitable purposes, not leased or otherwise used with a view to  
26 profit; and all free public libraries.

27 *Eight.* All fire engines and other implements used for the extinguishment of fires,  
28 with the building used exclusively for the safe keeping thereof, and the lot of reason-  
29 able size on which the building is located, when belonging to any city, village or town.

30 *Ninth.* All market houses, public squares, or other public grounds used exclusively  
31 for public purposes; all works, machinery and fixtures belonging exclusively to any  
32 town, village or city, and used exclusively for conveying water to such town, village or  
33 city.

34 *Tenth.* All property which may be used exclusively by societies for Agriculture,  
35 Horticulture, Mechanical and Philosophical purposes, and not for pecuniary profit.

36 *Eleventh.* All property exempt from execution or attachment.

1. Introduced by Mr. Joslyn January 10, 1879, and ordered to first reading.
2. First reading January 11, 1879, and referred to Committee on Revenue.
3. Reported back with amendments, passage recommended, and ordered to second reading February 1, 1879.
4. Feb. 11, 1879, second reading, amendments adopted, and ordered to third reading.

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Amendments reported by Committee on Revenue Feb. 1, 1879.

Amend Senate Bill No. 15, by striking out "eleventh section."

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### A BILL

For an Act to amend section two (2) of chapter one hundred and twenty (120) of the Revised Statutes, entitled, "An act for the assessment of property, and for the levy and collection of taxes," approved March, A. D. 80, 1872.

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**SECTION 1.** *Be it enacted by the People of the State of Illinois, represented in the General*

2 *Assembly,* That section two (2) of chapter one hundred and twenty (120) of the Revised  
3 Statutes, entitled "Revenue," be so amended as to read as follows: All property des-  
4 cribed in this section, to the extent herein limited, shall be exempt from taxation; that  
5 is, to say:

6 *First.*—All lands donated by the United States for school purposes, not sold or  
7 leased, all public school houses, all property of institutions of learning, including the  
8 real estate on which the institutions are located, not leased by such institutions or other-  
9 wise used with a view to profit.

10 *Second.*—All church property actually and exclusively used for public worship, not  
11 exceeding in value five thousand (\$5,000) dollars for each congregation, when the land

12 (to be of reasonable size for the location of the church building) is owned by the con-  
 13 gregation.

14 *Third.*—All lands used exclusively as graveyards or grounds for burying the dead.

15 *Fourth.*—All unentered Government lands, all public buildings or structures of what-  
 16 soever kind, and the contents thereof, and the land on which the same are located, be-  
 17 longing to the United States.

18 *Fifth.*—All property of every kind belonging to the State of Illinois.

19 *Sixth.*—All property belonging to any county, town, village or city, used exclusively  
 20 for the maintenance of the poor, all swamp or overflowed lands belonging to any  
 21 county, so long as the same remain unsold by such county, all public buildings belong-  
 22 ing to any county, township, city or incorporated town, with the ground on which such  
 23 buildings are erected, not exceeding in any case, ten acres.

24 *Seventh.*—All property of institutions of purely public charity, when actually and  
 25 exclusively used for such charitable purposes, not leased or otherwise used with a view  
 26 to profit, and all free public libraries.

27 *Eighth.*—All fire engines and other implements used for the extinguishment of fires,  
 28 with the building used exclusively for the safe keeping thereof, and the lot of reason-  
 29 able size on which the building is located, when belonging to any city, village or town.

30 *Ninth.*—All market houses, public squares, or other public grounds used exclusively  
 31 for public purposes, all works, machinery and fixtures belonging exclusively to any  
 32 town, village or city, and used exclusively for conveying water to such town, village or  
 33 city.

34 *Tenth.*—All property which may be used exclusively by societies for Agricultural,  
 35 Horticultural, Mechanical and Philosophical purposes, and not for pecuniary profit.



1. Introduced by Mr. Bash January 10, 1879, and ordered to first reading.
2. First reading Jan. 10, 1879, and referred to Committee on Judicial Department.
3. Reported back Jan. 17, 1879, and referred to Committee on Judiciary.
4. Feb. 6, reported back, with recommendation to be placed on file and ordered to second reading.

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## A BILL

For an act in relation to mortgages of real and personal property, and for the repeal of section sixteen (16), chapter ninety-five (95) of the Revised Statutes, being section 16 of an act entitled, "An act to revise the law in relation to mortgages of real and personal property," approved March 26, 1874 ; in force July 1, 1874.

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SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That section 16, chapter 95 of the Revised Statutes of an act entitled, "An act to revise the law in relation to mortgages of real and personal property," approved March 26, 1874 ; in force July 1, 1874, which reads as follows : "In all decrees hereafter to be made in suits in equity directing foreclosure of mortgages, a decree may be rendered for any balance of money that may be found due to the complainant over and above the proceeds of the sale or sales, and execution may issue for the collection of such balance, the same as when the decree is solely for the payment of money. And such decree may be rendered conditionally, at the time of decreeing the foreclosure, or it may be rendered after the sale and the ascertainment of the balance due : *Provided,* that such execution shall issue only in cases where personal service shall have been had upon the defendant or defendants personally liable for the mortgage debt, unless their appearance shall be entered in such suit," be and the same is hereby repealed.

§ 2. In all proceedings to foreclose mortgages hereafter commenced, no decree shall be rendered therein for any balance of money which may be due complainant over and above proceeds of the sale or sales of the mortgaged property, and no execution shall issue for the collection of such balance under such foreclosure proceedings.

§ 3. If, after foreclosure of any mortgage is commenced, the person entitled to the debt shall recover judgment or obtain a decree for any part of such debt in another action, on the ground that the value of the mortgaged property was insufficient at the time of foreclosure to satisfy the debt, such recovery shall open the foreclosure, and the person entitled may redeem the property notwithstanding the time of redemption limited in that behalf may have expired: *Provided*, that such suit for redemption is brought within two years after the entry of such judgment or decree for balance of the debt.

§ 4. In all foreclosure proceedings hereafter commenced, no sale of mortgaged property shall be confirmed by the court, or further proceedings had until the court is satisfied by evidence that the property has been sold at the highest and best price the same would then bring in cash: *Provided*, such evidence may be in the form of affidavits.

§ 5. All laws and parts of laws in conflict with this act are hereby repealed.

1. Introduced by Mr. McDowell January 10, 1879, and ordered to first reading.
2. First reading January 11, and referred to Committee on Fees and Salaries.
3. Reported back, passage recommended, and ordered to second reading April 18.

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## A BILL

For an Act to amend section nineteen of an act concerning Fees and Salaries, and to classify the several Counties of this State with reference thereto, approved March 29, 1872.

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- SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General*
- 2 *Assembly.* That section nineteen (19) of an act concerning fees and salaries, and to
  - 3 classify the several counties of this State with reference thereto, approved March 29,
  - 4 1872, be amended so as to read as follows:

SECTION 19. Sheriff's fees in counties of the first and second class:

- 2 For serving a writ or summons on each defendant, fifty cents.
- 3 For serving chancery summons and copy, or writ of injunction and copy, fifty cents.
- 4 For taking special bail, twenty-five cents.
- 5 For serving a subpoena on each witness, twenty-five cents.
- 6 For advertising property for sale, seventy-five cents.
- 7 For returning each writ or other process, ten cents.
- 8 Mileage for each mile actually and necessarily traveled to serve a writ or other pro-
- 9 cess, calculation from the place of holding the court, five cents per mile: *Provided,*
- 10 that when two or more writs or other processes are or can be served by one trip,
- 11 mileage shall only be charged for the distance actually and necessarily traveled, in serv-
- 12 ing all of such writs and all the parties named therein, said mileage to be charged *pro*
- 13 *rata* upon the writs so served.

- 14 For summoning each juror, twenty-five cents, with five cents mileage each way.
- 15 For serving notice of executions, or levying an execution, or serving an attachment,
- 16 sixty cents, and five cents mileage each way.
- 17 For taking possession of and removing property levied upon, the officer shall be al-
- 18 lowed to tax the actual costs of such possession or removal.
- 19 For serving and returning a *scire facias* to revive a judgment, to foreclose a mortgage,
- 20 or against bail, sixty cents.
- 21 For committing a prisoner to jail, fifty cents.
- 22 For discharging a prisoner from jail, fifty cents.
- 23 For dieting each prisoner such compensation, to cover the actual costs, as may be
- 24 fixed by the county board, but such compensation shall not be considered a part of the
- 25 fees of office.
- 26 For attending before a judge with a prisoner, on a writ of *habeas corpus*, two dollars
- 27 and fifty cents per day.
- 28 For each mile of necessary travel in taking such prisoner before the judge, as afore-
- 29 said, five cents each way.
- 30 For serving a writ of possession with a *posse comitatus*, two dollars.
- 31 For serving same without said aid, sixty cents; mileage, either case, for each mile of
- 32 necessary travel, five cents each way.
- 33 For executing a writ of *ad quod damnum*, attending the inquest and returning the
- 34 writ with the verdict of the jury, two dollars.
- 35 For attending the circuit and county courts, to be allowed and paid out of the county
- 36 treasury, three dollars per day, and two dollars per day when attending county court sit-
- 37 ting for probate business at the request of the judge, the time to be certified to by the judge.
- 38 For executing and acknowledging a deed on sale of real estate, one dollar and twen-
- 39 ty-five cents.
- 40 For making certificate of sale and making and filing duplicate, for each, fifty cents.
- 41 For making certificate of redemption, fifty cents.
- 42 For certificate of levy and filing, fifty cents, and the fee for recording shall be ad-
- 43 vanced by the plaintiff in execution and charged up as cost.
- 44 For taking all bonds on legal process, sixty cents.
- 45 For executing *capias* in criminal causes, where the offense is infamous, three dollars,

46 and mileage for each mile of necessary travel, five cents each way.

47 For executing requisitions from other states, the same compensation as in executing  
48 *capias* in criminal causes, where the offense is infamous.

49 For conveying each prisoner from his own county to the jail of a foreign county, for  
50 mile, for going only, twenty-five cents.

51 For committing each prisoner to jail under the laws of the United States, to be paid  
52 by the marshal or other person requiring his confinement, fifty cents.

53 For dieting such prisoner, sixty-five cents per day, to be paid by the marshal or  
54 other persons requiring his confinement.

55 For discharging such prisoner, fifty cents.

56 For carrying convicts to the penitentiary or reform school, from any county, the  
57 following fees, payable out of the State Treasury, viz: Where only one convict is con-  
58 veyed, at the rate of twenty-five cents for each and every mile necessarily traveled in  
59 going to the penitentiary or reform school from the place of conviction. Where two  
60 convicts are conveyed by the said sheriff at the same time, he shall receive at the rate  
61 of twenty five cents per mile for first, and fifteen cents per mile for the second convict.  
62 Where more than two are conveyed at the same time to the penitentiary or the reform  
63 school, as aforesaid, he shall be allowed twenty-five cents per mile for the first, fifteen  
64 cents per mile for the second, and ten cents per mile for the residue.

65 For conveying a convict from the penitentiary to the county jail, when required by  
66 law, twenty five cents per mile.

67 For attending the supreme court, per day, three dollars.

68 In addition to the above fees, there shall be allowed to the several sheriffs in this  
69 State a commission of three per centum on all sales of real and personal estate, which  
70 shall be made by virtue of any execution, or any decree of a court of chancery, where  
71 the money arising from such sales shall not exceed two hundred dollars; but in all  
72 cases where the amount of such sales shall exceed that sum, then one per cent commis-  
73 sion in the excess only shall be allowed: *Provided*, that in all cases where the execution  
74 shall be settled by the parties, redeemed, stopped by injunction or paid, or where the  
75 property levied upon shall not be actually sold, the sheriff shall be allowed his fee for  
76 levying and mileage, together with half the commission on all money collected by him,  
77 which he would be entitled to if the same was made by sale or execution; and no other

73 fees or compensation whatever shall be allowed on any execution, except the necessary  
 79 expenses for keeping personal property, to be ascertained and allowed by the court out  
 80 of which the same shall be issued. In all criminal cases where the defendant shall be  
 81 acquitted or otherwise legally discharged, without payment of costs, the sheriff shall be  
 82 paid such fees from the county treasury: *Provided*, that no such fees shall be paid to  
 83 the sheriff from the county treasury, when the fees collected by him during such year  
 84 shall equal the compensation or salary allowed him by the county board: *And, provided*  
 85 *further*, that no more of such fees shall in any case be paid from the county treasury, than  
 86 shall be sufficient, with the fees collected, to make the salary or compensation of said  
 87 sheriff.

88 In all cases where any of the sheriffs of this State shall be required by law to execute  
 89 any sentence of punishment other than imprisonment, for which no fee is allowed by  
 90 this act, it shall be the duty of the county board of the proper county to allow a reason-  
 91 able compensation for the same, to be paid out of the county treasury, not exceeding  
 92 one hundred dollars.

93 It shall be the duty of such sheriff, entitled to mileage under this act, to endorse on each  
 94 writ, summons, subpoena or other process that he may execute, the distance he may  
 95 travel to execute the same, ascertaining the distance and charge properly allowable  
 96 therefor, in conformity with the foregoing regulations.

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(In House.)

1. Reported from Senate February 26, 1879.
2. First reading March 3, 1879, and referred to Committee on Judiciary.
3. Reported back, passage recommended, and ordered to second reading March 12, 1879.

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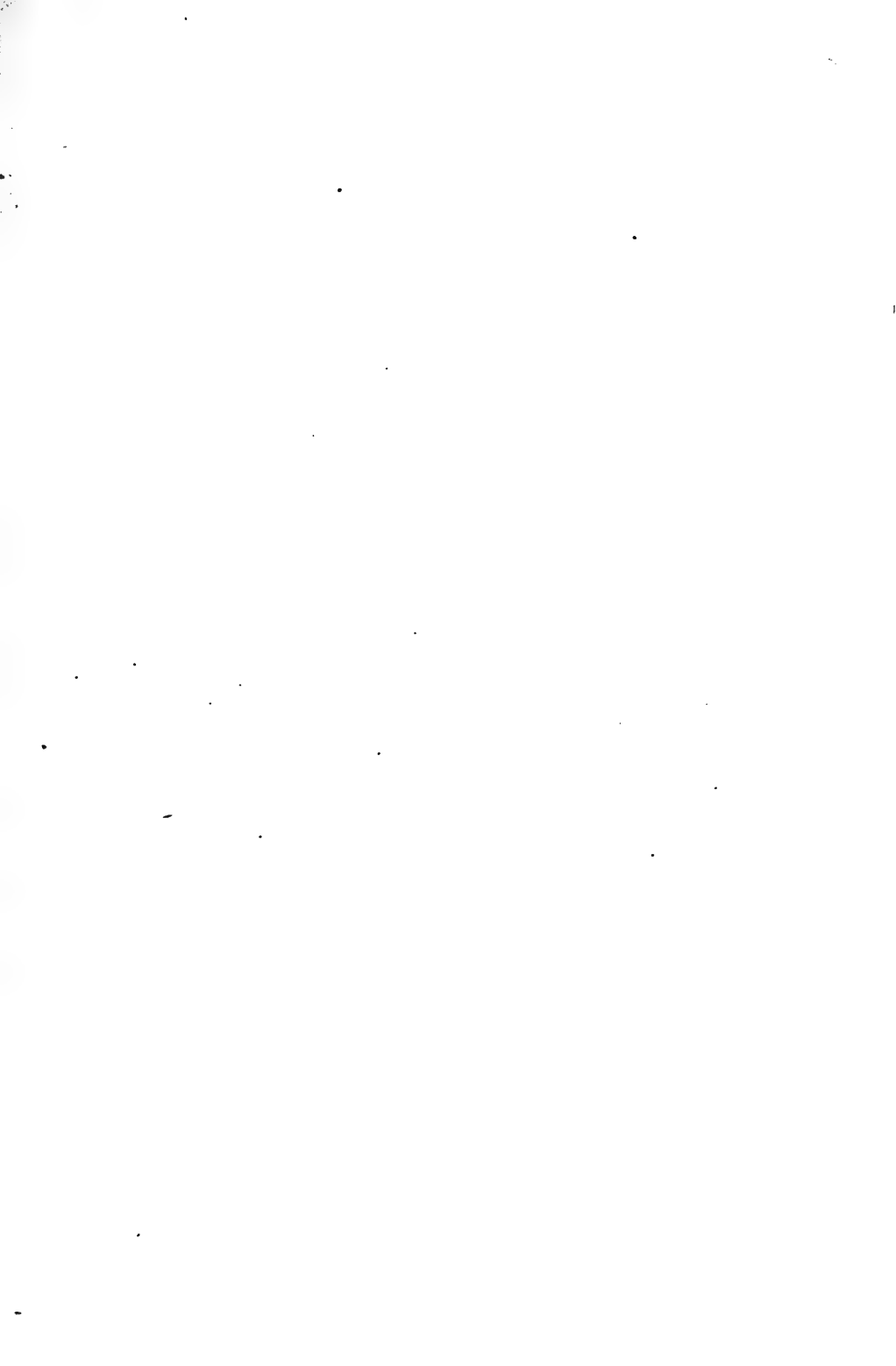
## A BILL

For an act to regulate the manner of applying for pardons, reprieves and commutations.

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SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That hereafter all applications for reprieves, commutations and pardons shall be made by petition in writing to the Governor, signed by the party under conviction, or other persons in his behalf, which petition shall contain a brief history of the case and the reasons why such pardon should be granted, and shall also be accompanied by a statement in writing made by the judge and prosecuting attorney of the court in which the conviction was had, stating the opinion of said judge and prosecuting attorney in regard to the same, or satisfactory reasons shall be given to the Governor why such statements of the judge and prosecuting attorney or either of them do not accompany such petition and it shall be the duty of such judge and prosecuting attorney to give such opinion whenever such petition shall be presented to them.

§ 2. Notice of the proposed application shall be given by publication for three weeks prior thereto, in a newspaper published in the county where the conviction was had, a duly certified copy of which notice shall accompany said petition: *Provided*, the Governor may dispense with publication of notice when in his judgment justice or humanity requires it.





1. Introduced by Mr. McClellan January 14, 1879, and ordered to first reading.
2. First reading January 14, 1879, and referred to Committee on Judiciary.
3. Reported back with amendments, passage recommended, and ordered to second reading February 7, 1879.
4. February 18, second reading, amended and ordered to third reading.

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## A BILL

For an Act to regulate the manner of applying for pardons, reprieves and commutations.

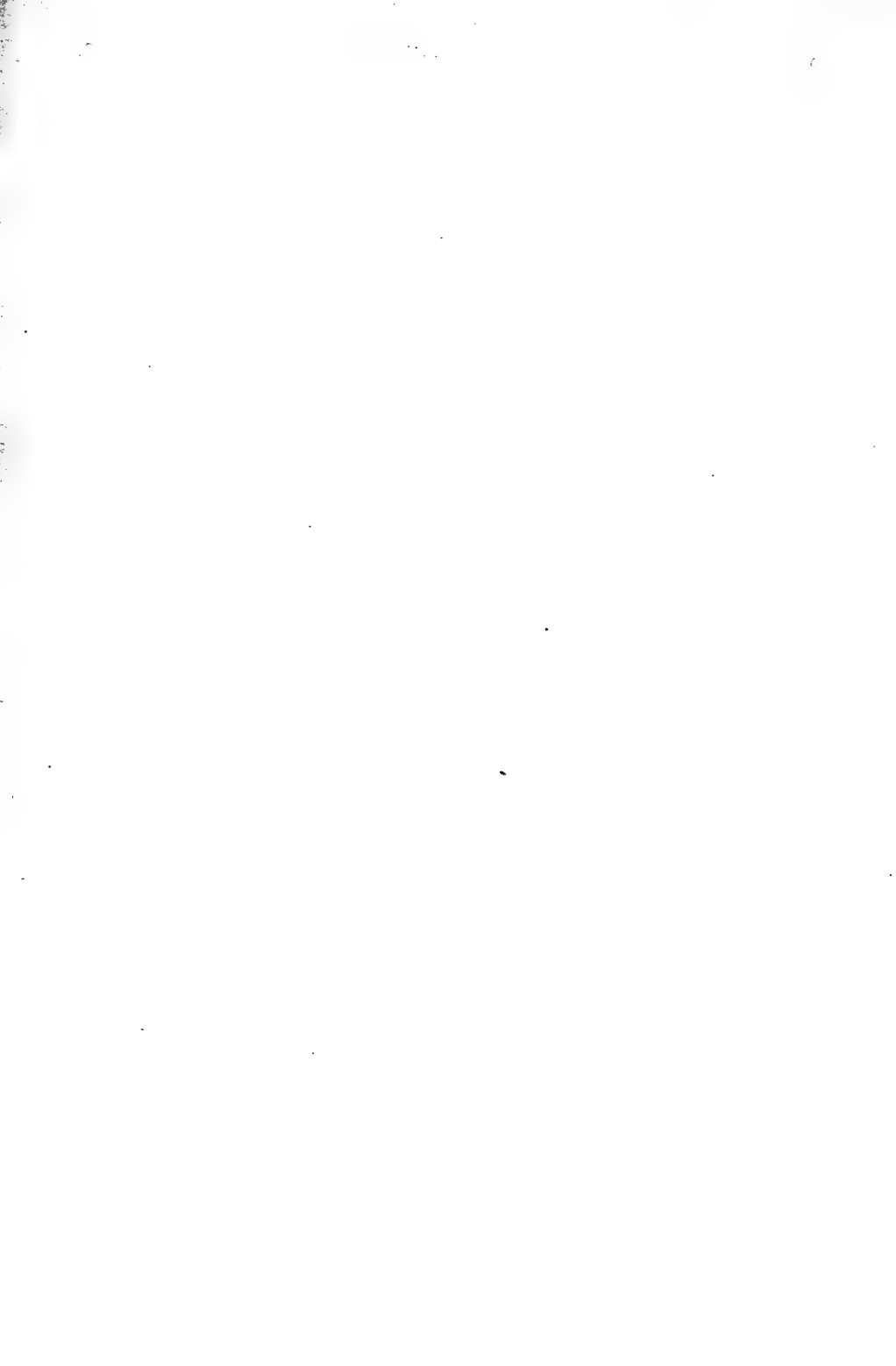
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SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General*

- 2 *Assembly,* That hereafter all applications for reprieves, commutations and pardons shall
- 3 be made by petition in writing to the Governor, signed by the party under conviction,
- 4 or other persons in his behalf, which petition shall contain a brief history of the case
- 5 and the reasons why such pardon should be granted, and shall also be accompanied by
- 6 a statement in writing made by the judge and prosecuting attorney of the court in
- 7 which the conviction was had, stating the opinion of said judge and prosecuting attor-
- 8 ney in regard to the same, or satisfactory reasons shall be given to the Governor why
- 9 such statements of the judge and prosecuting attorney or either of them do not accom-
- 10 pany such petition and it shall be the duty of such judge and prosecuting attorney to
- 11 give such opinion whenever such petition shall be presented to them.

§ 2. Notice of the proposed application shall be given by publication for three

- 2 weeks prior thereto, in a newspaper published in the county where the conviction was
- 3 had, a duly certified copy of which notice shall accompany said petition, *Provided,*
- 4 the Governor may dispense with publication of notice when in his judgment justice or
- 5 harmony requires it.



1. Introduced by Mr. McClellan January 14, 1879, and ordered to first reading.
2. First reading January 14, 1879, and referred to Committee on Judiciary.
3. Reported back with amendments, passage recommended, and ordered to second reading February 7, 1879.

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Amendments to Senate Bill No. 23.

- Amend Section one by adding "and it shall be the duty of such judge and prosecuting attorney to give such opinion whenever such petition shall be presented to them."
- 3 Add to Section two "*Provided*, The Governor may dispense with publication of
- 4 notice when in his judgement, justice or humanity require it."

---

A BILL

For an act to regulate the manner of applying for pardons, reprieves and commutations.

- 
- SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General*
- 2 *Assembly*, That hereafter all applications for reprieves, commutations and pardons shall
- 3 be made by petition in writing to the Governor, signed by the party under conviction,
- 4 or other persons in his behalf, which petition shall contain a brief history of the case
- 5 and the reasons why such pardon should be granted, and shall also be accompanied by
- 6 a statement in writing made by the judge and prosecuting attorney of the court in
- 7 which the conviction was had, stating the opinion of said judge and prosecuting attorney
- 8 in regard to the same.

§ 2. Notice of the proposed application shall be given by publication for three weeks  
2 prior thereto, in a newspaper published in the county where the conviction was had, a  
3 duly certified copy of which notice shall accompany said petition.

1. Introduced by Mr. Hanna January 14, 1879, and ordered to first reading.
2. First reading January 14, 1879, and referred to Committee on Appropriations.
3. Reported back and referred to Committee on Judiciary for opinion on its constitutionality, February 5, 1879.
4. February 6, 1879, reported back, with statement that committee find no constitutional provision barring the passage of the bill. Mr. Hunt makes minority report, dissenting from a report of committee.
5. Bill ordered to second reading and print.

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## A BILL

For an act to reimburse the county of Wabash for loss and damage of public buildings by  
tornado.

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WHEREAS, On the 4th day of June, 1877, the Court House of the county of Wabash,  
2 together with a large amount of other public and private property in said county, was  
3 destroyed by a tornado; and

4 WHEREAS, The public indebtedness of said county exceeds, and did at the time of the  
5 adoption of the Constitution exceed, the limitation of such indebtedness allowed by the  
6 Constitution; therefore,

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General*  
2 *Assembly, That the sum of twenty-five thousand dollars (\$25,000) be, and the same is*  
3 *hereby appropriated to reimburse the county of Wabash for the losses sustained in*  
4 *the total destruction of the Court House, and the partial destruction of the Clerk's*  
5 *offices and jail of said county by a tornado as aforesaid;*

§ 2. The appropriation hereby made shall be used exclusively in rebuilding the  
2 Court House in said county of Wabash, and the Auditor of Public Accounts is hereby  
3 authorized and directed to draw his warrants upon the Treasurer for the aforesaid

4 sum of twenty-five thousand dollars (\$25,000) payable to the contractor or contractors  
5 for building said Court House, at such time or times, and in such sum or sums as the  
6 County Commissioners of said county, by order made when in session and entered of  
7 record, may designate.

1. Introduced by Mr. Hanna January 14, 1879, and ordered to first reading.
2. First reading January 14, 1879, and referred to Committee on Appropriations.
3. Reported back and referred to Committee on Judiciary for opinion on its Constitutionality February 5, 1879.
4. February 6, 1879, reported back with statement that Committee find no Constitutional provision favoring the passage of bill. Mr. Hunt makes minority report dissenting from report of Committee. Bill ordered to second reading and printed.

---

## A BILL

For an act to reimburse the county of Wabash for loss and damage of public buildings by  
tornado.

---

WHEREAS, On the 4th day of June 1877, the Court House of the county of Wabash,  
2 together with a large amount of other public and private property in said county was  
3 destroyed by a tornado; and

4 WHEREAS, The public indebtedness of said county exceeds, and did at the time of the  
5 adoption of the Constitution, exceed the limitation of such indebtedness allowed by the  
6 Constitution; therefore

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General*  
2 *Assembly, That the sum of twenty-five thousand dollars (\$25,000) be, and the same is*  
3 *hereby appropriated to re-imburse the county of Wabash for the losses sustained in*  
4 *the total destruction of the Court House, and the partial destruction of the Clerk's*  
5 *offices and jail of said county by a tornado as aforesaid.*

§ 2- The appropriation hereby made, shall be used exclusively in rebuilding the  
2 Court House in said county of Wabash, and the Auditor of Public Accounts is hereby  
3 authorized and directed to draw his warrants upon the Treasurer for the aforesaid  
4 sum of twenty-five thousand dollars (\$25,000) payable to the contractor or contractors

5 for building said Court House, at such time or times, and in such sum or sums as the  
6 County Commissioners of said county, by order made when in session and entered of  
7 record may designate.



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(In House.)

1. Reported to House February 26, 1879.
2. First reading March 3, and referred to Committee on Appropriations.
3. Reported back, passage recommended, and ordered to second reading February 20.
4. Second reading, amended and ordered to third reading April 29.

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Amendments to Senate Bill No. 25.

- Amend by striking out the words "twenty-five" in line 2 section 1, printed bill, and
- 2 insert in lieu of the same the word "fifteen" and strike out the figures "\$25,000" and
  - 3 insert "\$15,000" in same line.
  - 4 Amend by striking out the words "twenty-five" in section two, and insert the word
  - 5 "fifteen;" also the figures "\$25,000" and insert "\$15,000."

The foregoing amendments were adopted by the House of Representatives April 29,

2 1879

W. B. TAYLOR, Clerk.



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(In House.)

1. Reported to House February 26, 1879.
2. First reading March 3, 1879, and referred to Committee on Appropriations.
3. Reported back, passage recommended, and ordered to second reading March 20, 1879.

---

## A BILL

For an act to reimburse the County of Wabash for loss and damage of public buildings  
by tornado.

---

WHEREAS, On the 4th day of June, 1877, the court house of the county of Wabash,  
2 together with a large amount of other public and private property in said county, was  
3 destroyed by a tornado; and  
4 WHEREAS, The public indebtedness of said county exceeds, and did at the time of the  
5 adoption of the Constitution exceed, the limitation of such indebtedness allowed by the  
6 Constitution; therefore,

---

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General*  
2 *Assembly,* That the sum of twenty-five thousand dollars (\$25,000) be, and the same is  
3 hereby appropriated to reimburse the county of Wabash for the losses sustained in the  
4 total destruction of the court house, and the partial destruction of the clerk's offices and  
5 jail of said county by tornado as aforesaid.

§ 2. The appropriation hereby made shall be used exclusively in rebuilding the  
2 court house in said county of Wabash, and the Auditor of Public Accounts is hereby  
3 authorized and directed to draw his warrants upon the Treasurer for the aforesaid

4 sum of twenty-five thousand dollars (\$25,000) payable to the contractor or contractors  
5 for building said court house, at such time or times, and in such sum or sums as the  
6 county commissioners of said county, by order made when in session and entered of  
7 record, may designate.

1. Introduced by Mr. Hoener January 14, 1879, and ordered to first reading.
  2. First reading January 14, 1879, and referred to Committee on Judiciary.
  3. January 22, 1879, reported back passage recommended and referred to Committee on Revenue.
  4. March 19, 1879, reported back with amendments, passage recommended and ordered to second reading.
- 

The Revenue Committee, on Senate Bill No. 26, recommend the following amendments:

Amend sections 2, 4 and 5 by striking out of each section the word "commissioner,"

2 wherever it occurs.

3 Amend section 7 by inserting in line 5, after the word "merchants," the words

4 "who are not peddlers or auctioneers."

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### **A BILL**

For an Act to provide for the licensing of Merchants, Auctioneers and Peddlers.

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SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General*  
2 *Assembly, That no merchant, auctioneer, or other person or persons, company or corpo-*  
3 *ration shall be permitted to sell, vend or retail, either at private sale or public auction,*  
4 *any goods, wares or merchandise without having first obtained a license for that pur-*  
5 *pose as hereinafter provided.*

§ 2. The county courts of the respective counties in this State, shall have power to grant  
2 such licenses, on the payment into the county treasury, by the applicant for such license,  
3 of a sum to be assessed by said court, not less than \$5, nor more than \$100.

§ 3. Such license shall authorize the person receiving it to vend, sell and retail  
2 goods, wares and merchandise within said county, for the space of one year from the  
3 time of granting the same.

§ 4. If the county commissioners court shall not be in session when the application is made, the clerk may grant a written permission to the applicant to vend, sell and retail goods, wares and merchandize until the end of the next term of the court, or if the court take no action upon the case, for the term provided in section three of this act. At the time of granting such permission, the clerk may assess the amount to be paid by the applicant, which shall be paid into the county treasury accordingly.

§ 5. When a permission shall be granted by the clerk in vacation, as aforesaid, it shall be the duty of the county commissioners, court, at their next term thereafter, to examine such permit, and if approved, to proceed forthwith to assess the amount to be paid for license, to be paid as in the case of original applications. But if the court do not approve the same, the license shall be vacated, and no other sum shall be required to be paid than that fixed by the clerk.

§ 6. If any person or persons, company or corporation shall, directly or indirectly, keep a store, or sell, vend or retail any goods, wares or merchandise, without being first duly authorized by license or permit, as aforesaid, such person or persons, company or corporation so offending, shall forfeit and pay any sum not exceeding \$100, nor less than \$10.

§ 7. The preceding section shall not be construed to extend to the sale of goods, wares and merchandise, by persons who are not merchants, auctioneers, grocers, grocery keepers, or peddlers, nor to merchants who pay an annual tax upon merchandise, assessed according to the revenue laws of this State, nor to persons who sell commodities manufactured by themselves in this State.

1. Introduced by Mr. Hoener January 14, and ordered to first reading.
2. First reading January 14, and referred to Committee on Judiciary.
3. January 22, reported back, passage recommended and referred to Committee on Revenue.
4. March 19, reported back with amendments, passage recommended and ordered to second reading.
5. March 28, second reading, amended and ordered to third reading.

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### A BILL

For An Act to provide for the licensing of merchants, auctioneers and peddlers.

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SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That no merchant, auctioneer or other person or persons, company or corporation, shall be permitted to sell, vend or retail, either at private sale or public auction, any goods, wares or merchandise, without having first obtained a license for that purpose as hereinafter provided.*

§ 2. The county courts of the respective counties in this State shall have power to grant such licenses, on the payment into the county treasury by the applicant for such license of a sum to be assessed by said court, not less than five dollars (\$5) nor more than one hundred dollars (\$100.)

§ 3. Such license shall authorize the person receiving it to vend, sell and retail goods, wares and merchandise within said county for the space of one year from the time of granting the same.

§ 4. If the county court shall not be in session when the application is made, the clerk may grant a written permission to the applicant to vend, sell and retail goods, wares and merchandise until the end of the next term of the court, or if the court take no action upon the case, for the term provided in section three of this act. At the time of granting such permission, the clerk may assess the amount to be paid by the applicant, which shall be paid into the county treasury accordingly.

§ 5. When a permission shall be granted by the clerk in vacation, as aforesaid, it

shall be the duty of the county court, at their next term thereafter, to examine such permit, and if approved, to proceed forthwith to assess the amount to be paid for license, to be paid as in the case of original applications. But if the court do not approve the same, the license shall be vacated, and no other sum shall be required to be paid than that fixed by the clerk.

§ 6. If any person or persons, company or corporation, shall, directly or indirectly, keep a store or sell, vend, or retail any goods, wares or merchandise, without being first duly authorized by license or permit as aforesaid, such person or persons, company or corporation so offending, shall forfeit and pay any sum not exceeding one hundred dollars (\$100) nor less than ten dollars (\$10).

§ 7. The preceding section shall not be construed to extend to the sale of goods, wares and merchandise by persons who are not merchants, auctioneers, grocers, grocery keepers or peddlers, nor to merchants who are not peddlers or auctioneers, who pay an annual tax upon merchandise, assessed according to the revenue laws of this State, nor to persons who sell commodities manufactured by themselves in this State.



1. Introduced by Mr. Hoener January 14, 1879, and ordered to first reading.
  2. First reading January 14, and referred to Committee on Judiciary.
  3. January 22, reported back, passage recommended and referred to Committee on Revenue.
  4. March 19, reported back with amendments, passage recommended and ordered to second reading.
  5. March 28, second reading, amended and ordered to third reading.
  6. April 29, third reading; failed to pass.
  7. April 30, reconsidered and recommitted to Committee on Judiciary.
  8. May 9, reported back with amendments, passage recommended, and ordered on file in the order of second reading.
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Amendments to Senate Bill No. 26, reported by Committee on Judiciary, May 8, 1879.

- Amend by adding to section 7 the following: "Nor shall anything in this act con-
- 2 tained be construed to authorize any person to sell, vend or retail goods, as hereinbe-
  - 3 fore set forth, within the limits of any incorporated city, village or town, who shall not
  - 4 have first obtained a license as provided by the ordinances of such city, village or town,
  - 5 nor in any manner interfere with the rights of cities, villages and towns to regulate
  - 6 such matters as provided by law.

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### A BILL

For an Act to provide for the Licensing of Merchants, Auctioneers and Peddlers.

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- SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General*
- 2 *Assembly, That no merchant, auctioneer, or other person or persons, company or corpo-*

3 ration, shall be permitted to sell, vend or retail, either at private sale or public auction,  
 4 any goods, wares or merchandize, without having first obtained a license for that pur-  
 5 pose, as hereinafter provided.

§ 2. The county courts of the respective counties in this State shall have power to  
 2 grant such licenses, on the payment into the county treasury by the applicant for such  
 3 license, of a sum to be assessed by said court, not less than five dollars (\$5), nor more  
 4 than one hundred dollars (\$100).

§ 3. Such license shall authorize the person receiving it to vend, sell and retail goods,  
 2 wares and merchandise within said county for the space of one year from the time of  
 3 granting the same.

§ 4. If the county court shall not be in session when the application is made, the  
 2 clerk may grant a written permission to the applicant to vend, sell and retail goods,  
 3 wares and merchandise until the end of the next term of court, or if the court takes  
 4 no action upon the case, for the term provided in section three of this act. At the time  
 5 of granting such permission, the clerk may assess the amount to be paid by the applic-  
 6 ant, which shall be paid into the county treasury accordingly.

§ 5. When a permission shall be granted by the clerk in vacation, as aforesaid, it  
 2 shall be the duty of the county court, at their next term thereafter, to examine such  
 3 permit, and, if approved, to proceed forthwith to assess the amount to be paid for  
 4 license, to be paid as in the case of original applications. But if the court do not ap-  
 5 prove the same, the license shall be vacated, and no other sum shall be required to be  
 6 paid than that fixed by the clerk.

§ 6. If any person or persons, company or corporation, shall, directly or indirectly,  
 2 keep a store, or sell, vend or retail any goods, wares or merchandise without being first  
 3 duly authorized by license or permit as aforesaid, such person or persons, company or  
 4 corporation so offending, shall forfeit and pay any sum, not exceeding one hundred  
 5 dollars (\$100), nor less than ten dollars (\$10).

§ 7. The preceding section shall not be construed to extend to the sale of goods,  
 2 wares and merchandise, by persons who are not merchants, auctioneers, grocers, grocery  
 3 keepers or peddlers, nor to merchants who are not peddlers or auctioneers, who pay an  
 4 annual tax upon merchandise, assessed according to the revenue laws of this State, nor  
 5 to persons who sell commodities manufactured by themselves in this State.

1. Introduced by Mr. Neece, January 14, 1879, and ordered to first reading.
2. First reading January 14, 1879, and referred to Committee on Corporations.
3. Feb. 21, 1879, ordered printed for Committee.

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## A BILL

For an act in reference to stock yards, to regulate their charges for yardage, freight, grain, hay, and other articles furnished, and to prevent extortion and unjust discrimination in the management thereof.

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SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That if any corporation organized or doing business in this State, under any act of incorporation or general law now in force, or which may hereafter be enacted in reference to stock yards, shall charge, collect, demand, or receive more than is allowed by this act, or more than a fair and reasonable rate of toll, or compensation for the transportation of any freight, of any description, or live stock, or for the use and transportation of any car upon its track, or any of the branches thereof, or for receiving, handling, or delivering any freight or live stock, or for hotel bills, feeding, carrying, yardage, hay, or grain furnished, and anything done by reason of the powers given such corporation by the act of incorporation thereof the same shall be deemed guilty of extortion, and upon conviction thereof, shall be fined in any sum not less than one hundred dollars, nor more than one thousand dollars, for the first offense, and for a second offense not less than five hundred dollars, nor more than five thousand dollars: *Provided,* that in all cases under this act either party shall have the right of trial by jury.

§ 2. If any such corporation shall in reference to stock yards aforesaid, make any unjust discrimination in its rates, or charges of toll, or compensation for the transportation of freight, or live stock, or for receiving, handling, feeding, furnishing feed or carrying any stock or for doing anything by reason of the powers given such corporation by act of incorporation, the same shall be deemed guilty of having violated the

6 provisions of this act and upon conviction thereof, shall be dealt with as provided in the  
7 foregoing section.

§ 3. If any such corporation in reference to stock yards shall charge, collect or re-  
2 ceive of, or from any person or corporation, for the transportation of freight or live  
3 stock, or for receiving, handling, storing, yardage, feeding, or carrying the same, or for  
4 doing anything by reason of the powers given such corporation by act of incorporation,  
5 a greater amount of toll, or compensation, or fees than is at the same time charged,  
6 collected, or received from any other person or corporation, for the same or like service,  
7 all such discriminating rates, charges, collections, or receipts, whether made directly or  
8 by means of any rebate, drawback, or other shift or evasion, shall be deemed and taken  
9 against such corporation in reference to stock yards as conclusive evidence of unjust  
10 discrimination.

§ 4. Any stock yard doing business in this State, incorporated under the laws of  
2 this State, shall not have or receive for yardage, more than fifteen (15) cents a head for  
3 cattle, four cents (4) a head for hogs, and three cents (3) a head for sheep, nor more  
4 than fifty (50) per centum additional to the current market wholesale price of hay,  
5 straw, corn, or other articles supplied by them for the sustenance of such animals, and  
6 that such sales shall be made by actual weights: *And provided further*, that in every case  
7 property certified weighing tickets shall be furnished to the owner or agents of such  
8 animals with each supply of such hay, straw, corn, or other grain.

§ 5. It shall not be lawful for any corporation in this State doing business as a  
2 stock yard, to prohibit any person or persons, or their agents, from selling dead  
3 animals to any persons they may see fit, and for that purpose, all persons shall have the  
4 privilege entering said yards, and shall have the privilege of removing any dead animal  
5 therefrom, subject however to any reasonable rule which said company may adopt, and  
6 for a violation of this act said company shall be liable to the penalty mentioned in sec-  
7 tion one of this act.

§ 6. The fines hereinbefore provided for may be recovered in an action of debt in  
2 the name of the People of the State of Illinois, and there may be several counts joined  
3 in the same declaration as to extortion and unjust discrimination. If, upon the trial of  
4 any cause instituted under this act, the jury shall find for the people, they shall assess,  
5 and return with their verdict, the amount of the fine to be imposed upon the defendant

6 at any sum as hereinbefore provided, and the court shall render judgment accordingly ;  
7 and if the jury shall find for the people, and that the defendant has been before con-  
8 victed one or more times of the violation of the provisions of this act, they shall return  
9 such finding with their verdict, and shall assess and return with their verdict the  
10 amount of the fine to be imposed upon the defendant as provided in the first section of  
11 this act, and the court shall render judgment accordingly.

§ 7. If any such corporation, in reference to stock yards, shall, in violation of any  
2 of the provisions of this act, ask, demand, charge or receive of any person or corpora-  
3 tion any extortionate charge or charges for the transportation of any car, or property,  
4 or live stock, or for receiving, handling, transferring, feeding, storing or delivering any  
5 freights or live stock, or shall make any unjust discrimination against any person or  
6 corporation in its charges therefor, or furnish inferior, unsuitable or insufficient food or  
7 drink to any live stock entrusted to its care, or shall neglect or fail to suitably and  
8 properly care for any such live stock, or shall furnish a less amount or inferior quality  
9 of food to such live stock than represented, contracted or charged for, the person or  
10 corporation so offended against, or owning such live stock, or to whom the same may  
11 be consigned, may, for each offense, recover of such corporation, in reference to stock  
12 yards, in any form of action, three times of the amount of damages sustained by the  
13 party aggrieved, together with costs of suit and a reasonable attorney's fee, to be fixed  
14 by the court where the same is heard, on appeal or otherwise, and taxed as part of the  
15 cost of the case.

§ 8. If any such corporation, in reference to stock yards, shall furnish inferior, un-  
2 suitable or insufficient food or drink to any live stock entrusted to its care, or shall neg-  
3 lect or fail to suitably and properly care for any such live stock, or shall furnish a less  
4 amount or inferior quality of food to such live stock than represented, contracted or  
5 charged for the same, shall be deemed guilty of a misdemeanor, and upon conviction  
6 thereof, shall be fined as provided in the first section of this act.

§ 9. It shall be the duty of the Railroad and Warehouse Commission to person-  
2 ally investigate and ascertain whether the provisions of this act are violated by any  
3 corporation in this State, in reference to stock yards, and to visit the various stock  
4 yards incorporated under any law of this State for that purpose, as often as practicable ;  
5 and whenever the facts, in any manner ascertained by said commission, shall, in

6 in their judgment, warrant such prosecution, it shall be the duty of said commission to  
7 immediately cause suits to be commenced and prosecuted against any such corporation,  
8 in reference to stock yards, which may violate the provisions of this act. Such suits  
9 and prosecutions shall be instituted in the county where such stock yards are located,  
10 and such Railroad and Warehouse Commission are hereby authorized, when the facts  
11 of the case presented to them shall, in their judgment, warrant the commencement of  
12 such action, to employ counsel to assist the Attorney-General in conducting such suits  
13 on behalf of the State. No such suits commenced by said commission shall be dismissed  
14 except the said Railroad and Warehouse Commission and the Attorney-General shall  
15 consent thereto.

§ 10. In all cases, under the provisions of this act, the rules of evidence shall be  
2 the same as in other civil actions, except as hereinbefore otherwise provided. And all  
3 fines recovered under the provisions of this act shall be paid into the county treasury  
4 of the county in which the suit was tried, by the person collecting the same, in the  
5 manner now provided by law, to be used for county purposes.

1. Introduced by Mr. Maybourn, January 14, 1879, and ordered to first reading.
2. First reading January 14, 1879, and referred to Committee on Judiciary.
3. Reported back, passage recommended, and ordered to second reading, Jan. 22, 1879.

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## A BILL

For an Act to give effect as evidence without further proof, to deeds and other conveyances executed and acknowledged by Assignees in bankruptcy, United States Marshals, Masters in Chancery and Special Commissioners in certain cases.

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WHEREAS, On October 9, 1871, all the records and proceedings of the Circuit and District Courts of the United States for the Northern District of Illinois, including all proceedings in bankruptcy in this State, under the act of Congress of 1841, were destroyed by fire; and,

WHEREAS, large amounts of real estate throughout this State, were sold and conveyed by Assignees in bankruptcy, United States Marshals, Masters in Chancery and Special Commissioners, by virtue of adjudications, judgments and decrees of which no records remains: Therefore,

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly, That any deed or other conveyance of real estate, purporting to be made, executed and acknowledged by any Assignee in bankruptcy, under the Act of Congress of 1841, or purporting to be made, executed and acknowledged by any assignee in bankruptcy, United States Marshals, Masters in Chancery or Special Commissioners, by virtue of any adjudication, judgment or decree, had made or rendered in the Circuit or District Courts of the United States for the Northern District of Illinois, prior to the ninth day of October, A. D. 1871, shall be received in all courts and proceedings, as evidence without further proof, and copies of such deeds and other conveyances may be used as in other cases provided by law.*

[illegible]

4419 A



1. Introduced by Mr. Mayborne, January 14, 1879, and ordered to first reading.
2. First reading January 14, 1879, and referred to Committee on Agriculture and Drainage.
3. Reported back, passage recommended, and ordered to second reading.

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## A BILL

For an Act to amend Section nine (9), of Division one (1), of an Act entitled, "An Act to revise the law in relation to Criminal Jurisprudence."

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SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General*

2 *Assembly,*

3 SECTION 9. Whoever shall, for the purpose of sale for human food, adulterate milk  
4 with water, or any foreign substance, or whoever shall knowingly sell for human food  
5 milk from which cream has been taken without the purchaser thereof being informed,  
6 or knowing the fact, or whoever shall knowingly sell for human food milk from which  
7 what is commonly called strippings has been withheld without the purchaser thereof  
8 being informed, or knowing the fact, or whoever shall knowingly sell for human food  
9 milk drawn from a diseased cow, knowing her to be so diseased as to render her milk  
10 unwholesome, or whoever shall knowingly sell for human food milk so tainted or cor-  
11 rupted as to be unwholesome, or whoever shall knowingly supply, or bring to be  
12 manufactured into any substance for human food to any cheese or butter factory or  
13 creamery without all interested therein knowing or being informed of the fact, the  
14 milk is adulterated with water, or any foreign substance, or milk from which cream  
15 has been taken, or milk from which what is commonly called strippings has been with-  
16 held, or milk drawn from diseased cow knowing to be so diseased as to injure her  
17 milk, or milk so tainted or corrupted as to be unwholesome, or whoever shall know-  
18 ingly with intent to defraud, take from milk after it has been delivered to a cheese or  
19 butter factory or creamery to be manufactured into any substance for human food, for  
20 and on account of the person supplying the milk or cream, or shall with like intent

21 knowingly add any foreign substance to the milk or cream whereby it, or the products  
22 thereof shall become unwholesome for human food, shall be guilty of a misdemeanor  
23 and for each and every such misdemeanor shall be fined not less than five nor more  
24 than one hundred dollars, or confined in the county jail not exceeding six months, or  
25 both, in the discretion of the court.

1. Introduced by Mr. Mayhorne, January 14, 1879, and ordered to first reading.
2. First reading January 14, 1879, and referred to Committee on Agriculture and Drainage.
3. Reported back, passage recommended, and ordered to second reading January 29, 1879.
4. Second reading January 31, amended and recommitted to Committee on Agriculture and Drainage.
5. Reported back February 12, and laid on table.
6. Taken from table February 20, and recommitted to Committee on Agriculture and Drainage.
7. Reported back March 8, passage recommended.
8. Amended March 28, and ordered to a third reading.

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### A BILL

For an act to amend section nine (9) of division one (1) of an act entitled "An act to revise the law in relation to criminal jurisprudence;" approved March 27, 1874, in force July 1, 1874.

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SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That section nine (9) of division one (1) of an act entitled "An act to revise the law in relation to criminal jurisprudence," approved March 27, 1874, in force July 1, 1874, be and the same is hereby amended so as to read as follows:

SECTION 2. Whoever shall, for the purpose of sale for human food, adulterate milk with water, or any foreign substance, or whoever shall knowingly sell for human food milk from which cream has been taken without the purchaser thereof being informed, or knowing the fact, or whoever shall knowingly sell for human food milk from which what is commonly called strippings has been withheld without the purchaser thereof being informed, or knowing the fact, or whoever shall knowingly sell for human food milk drawn from a diseased cow, knowing her to be so diseased as to render her milk unwholesome, or whoever shall knowingly sell for human food milk so tainted or corrupted as to be unwholesome, or whoever shall knowingly supply, or bring to be

10 manufactured into any substance for human food to any cheese or butter factory or  
11 creamery without all interested therein knowing or being informed of the fact, the  
12 milk is adulterated with water, or any foreign substance, or milk from which cream  
13 has been taken, or milk from which what is commonly called strippings has been with-  
14 held, or milk drawn from diseased cow, knowing to be so diseased as to injure her  
15 milk, or milk so tainted or corrupted as to be unwholesome, or whoever shall know-  
16 ingly, with intent to defraud, take from milk after it has been delivered to a cheese or  
17 butter factory or creamery to be manufactured into any substance for human food, for  
18 and on account of the person supplying the milk or cream, or shall with like intent  
19 knowingly add any foreign substance to the milk or cream whereby it, or the products  
20 thereof shall become unwholesome for human food, shall be guilty of a misdemeanor  
21 and for each and every such misdemeanor shall be fined not less than five nor more than  
22 one hundred dollars, or confined in the county jail not exceeding six months, or both,  
23 in the discretion of the court.

1. Introduced by Mr. Riddle Jan. 14, 1879, and ordered to first reading.
2. First reading Jan. 14, 1879, and referred to committee on Corporations.
3. Feb. 21, 1879, ordered printed for committee.

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## A BILL

For an Act to regulate the management of stock yards.

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SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That it shall be the duty of the Railroad and Warehouse Commission in addition to the duties now imposed upon them by law, to visit and inspect the various stock yards incorporated under any law of this State, as often as practicable, to ascertain the manner of doing business at, and the charges made and exacted for the yardage, feed and care of stock consigned to such yards. And it shall be the duty of such Commission to hear and consider all complaints made to them in writing, in regard to overcharges for yardage, feed or services, or for any failure or neglect on the part of the authorities of such yards, so far as the public or the shippers doing business with such yards is concerned. Said Railroad and Warehouse Commission shall have power to send for and compel the attendance of witnesses, to administer oaths, and to compel the production of books and papers, whenever they shall deem it necessary in the discharge of the duties herein imposed upon them. Said Commission shall include in their report to the General Assembly a statement of their official action in connection with such stock yards.

§ 2. The tariff of charges at such yards shall be as follows, and no higher or additional charge shall be made by such yards, the authorities or owners or agents thereof for yardage of stock, feed, and services, to-wit: For cattle, horses and mules, fifteen cents per head each; for hogs, sheep and calves, five cents per head each; for hay, a price not to exceed five dollars per ton above the market price of hay in the vicinity of

- 6 such yard or yards, and not more than twenty cents per bushel above the market price  
7 for corn in the vicinity of such yard or yards.

§ 3. Any person, corporation or association violating any of the provisions of this  
2 act shall be subject to a fine of not less than one hundred dollars, nor more than one  
3 thousand dollars, to be recovered by the person aggrieved or by any other person mak-  
4 ing complaint, in an action of debt or assumpsit, in any court of competent  
5 jurisdiction.

- 1 Introduced by Mr. Bash, Jan. 14, 1879. Read first time and referred to Committee on  
2 Judicial Department.  
3 Jan. 17, reported back. Passage recommended, ordered to 2d reading and printed.

## A BILL

For an Act concerning the extension of the time for the collection of installments of special assessments levied for Park purposes.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General*  
2 *Assembly, That in all cases where any special assessment has been made by the corpor-*  
3 *ate authorities of one or more towns for the purpose of establishing or maintaining*  
4 *a public park, and such assessment has been confirmed by the Circuit Court of the county*  
5 *in which such park is located, and has by said court been apportioned into install-*  
6 *ments, under and pursuant to an Act of the General Assembly, entitled, "An Act*  
7 *to enable the corporate authorities of two or more towns for park purposes, to issue*  
8 *bonds in renewal of bonds heretofore issued by them, and to provide for the payment*  
9 *of the same; to make, revise and collect a special assessment on contiguous property,*  
10 *for benefits by reason of the location of parks and boulevards, and to make necessary*  
11 *changes in their location."* The time for the payment of the last two installments of  
12 said special assessments so made, confirmed and apportioned, is hereby extended five  
13 years from the time the said installments were originally due and payable respectively;  
14 and at the expiration of such periods respectively said installments  
15 shall become due and payable, together with interest on the same  
16 until paid, as in said Act provided; and thereupon like proceedings shall be had for  
17 the collection of the same, together with such interest, in like manner as if the time  
18 for the payment of such installments had not been extended.





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(In House.)

1. Reported to House January 30.
2. First reading February 8, and referred to Committee on Judiciary.
3. Reported back, passage recommended, and ordered to second reading March 27.

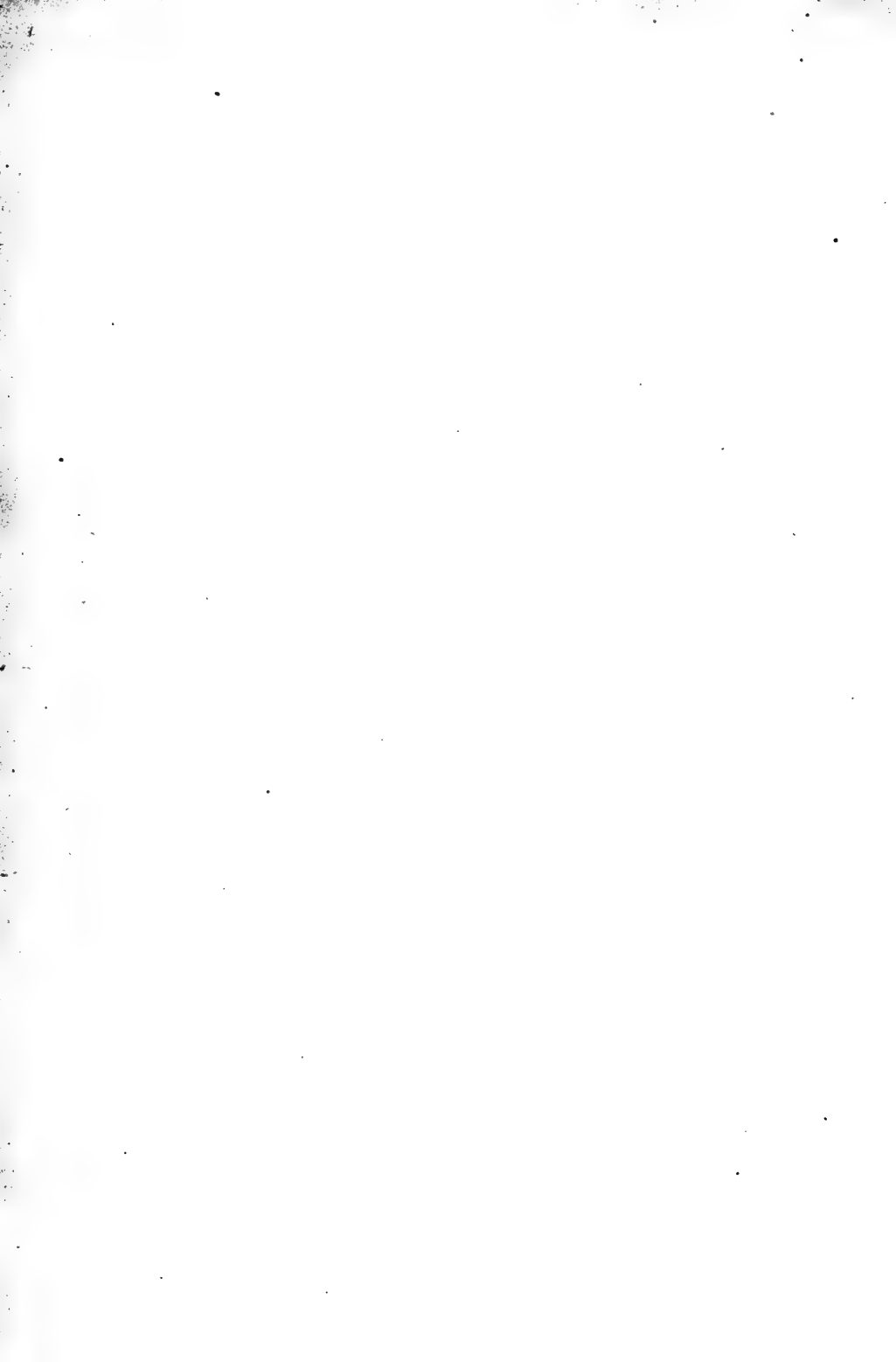
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## A BILL

For "An Act concerning the extension of the time for the collection of installments of special assessments levied for park purposes."

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SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That in all cases where any special assessment has been made by the corporate authorities of one or more towns for the purpose of establishing or maintaining a public park, and such assessment has been confirmed by the circuit court of the county in which such park is located, and has by said court been apportioned into installments, under and pursuant to an act of the General Assembly, entitled, "An Act to enable the corporate authorities of two or more towns, for park purposes, to issue bonds in renewal of bonds heretofore issued by them, and to provide for the payment of the same, to make, revise and collect a special assessment on contiguous property, for benefits by reason of the location of parks and boulevards, and to make necessary changes in their location." The time for the payment of the last two installments of said special assessments so made, confirmed and apportioned, is hereby extended five years from the time the said installments were originally due and payable, respectively; and at the expiration of such periods, respectively, said installments shall become due and payable, together with interest on the same until paid, as in said act provided, and thereupon like proceedings shall be had for the collection of the same, together with such interest, in like manner as if the time for the payment of such installments had not been extended.



1. Introduced by Mr. Archer, January 15, 1879, and ordered to first reading.
2. First reading January 15, 1879, and referred to Committee on Judiciary.
3. Reported back with recommendation to be printed, and ordered to second reading.
4. Ordered to second reading January 28, 1879.

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## A BILL

For an Act to amend Section 13, of an act entitled "An Act to revise the law in relation to Idiots, Lunatics, Drunkards and Spendthrifts," approved March 26, 1874; in force July 1, 1874.

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SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly, That section 13 of an act entitled "An Act to revise the law in relation to Idiots, Drunkards and Spendthrifts," approved March 26, 1876; in force July 1, 1874, be and the same is hereby amended so as to read as follows:*

SECTION 13. He shall appear for and represent his ward in all suits and proceedings affecting his rights of person or estate, and shall in proper time commence and prosecute all necessary suits and proceedings at law and in equity to protect, recover and enforce in due time all rights, title, claim and demand of his said ward in and to any property or estate, real or personal, and to recover any moneys chosen in action or debts due his said ward in this State, unless another person is appointed for that purpose as Conservator or next friend, but nothing contained in this act shall impair or effect the power of any Court to appoint a Conservator or next friend to defend the interest of such ward impleaded in such Court or interested in a suit or matter therein pending nor its power to appoint, or allow any person as next friend for such ward to commence prosecute or defend any suit in his behalf, subject to the direction of such Court and for neglect or failure of the Conservator to commence and prosecute all necessary and proper suits and actions on behalf of his said ward as aforesaid after notice of his

14 rights and interest and within the time limited by law for the bringing of such suits  
15 the said Conservator and his securities shall be liable upon his bond for all damages to  
16 his said ward or his legal representatives occasioned by any such failure or neglect.

1. Introduced by Mr. Archer, January 15, 1879, and ordered to a first reading.
2. First reading January 15, 1879, and referred to the Committee on Judiciary.
3. Reported back, recommended be printed, and ordered to second reading January 28, 1879.

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## A BILL

For an Act to amend sections eight (8), nine (9), and twenty-one (21), of an act entitled,

“An Act in regard to Limitations,” approved April 4, 1872. In force July 1, 1872.

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SECTION 1. *Be it enacted by the people of the State of Illinois represented in the General*

Assembly, That sections eight, nine and twenty-one of an Act entitled “An Act in regard to Limitations,” approved April 4, 1872 ; in force July 1, 1872, be and the same are hereby amended so as to read as follows :

SECTION 8. The two preceding sections shall not extend to lands or tenements owned by the United States or this State, nor to school and seminary lands, nor to lands held for the use of religious societies, nor to lands held for any public purpose, nor shall they extend to lands or tenements when there shall be an adverse title to such lands or tenements, and the holder of such adverse title is under the age of twenty-one years, insane, imprisoned, out of the limits of the United States, and in the employment of the United States or of this State: *Provided*, such person shall commence an action to recover such lands or tenements so possessed as aforesaid within three years after the several disabilities herein enumerated shall cease to exist, and shall prosecute such action to judgment, or in case of vacant and unoccupied, shall, within the time last aforesaid, pay to the person or persons who have paid the same all the taxes, with interest thereon, at the rate of twelve per cent. per annum, that have been paid on said vacant and unimproved land ; *And provided further*, that in case of any insane person the disability shall cease to exist with the appointment and qualification of a conservator of such insane person under the laws of this State, and the time herein limited shall commence to run from the time of such appointment and qualification.

§ 9. If at the time when such right of entry or of action upon or for lands accrues, the person entitled to such entry or action is within the age of twenty-one years, or if a female of the age of eighteen years, or insane, imprisoned, or absent from the United States, in the service of the United States or of this State, such person or any one claiming fraud by or under him, may make the entry or bring the action at any time within two years after such disability is removed, notwithstanding the time before limited in that behalf has expired: *Provided, however*, that in case of any insane person the disability shall be removed by the appointment and qualification of a conservator for such insane person under the laws of this State, and the time in this section limited shall commence to run from the time of such appointment and qualification.

SECTION 21. If the person entitled to bring an action mentioned in the nine preceding sections is at the time the cause of action accrues, within the age of twenty-one years, or if a female, within the age of eighteen years, or insane or imprisoned, he or she may bring the action within two years after the disability is removed: *Provided*, that in case of an insane person the disability shall be removed by the appointment and qualification of a conservator for such insane person under the laws of this State, and the time herein limited shall commence to run from the time of such appointment and qualification.

1. Introduced by Mr. Archer January 15, 1879, and ordered to first reading.
2. First reading January 15, 1879, and referred to Committee on Judiciary.
3. Reported back, recommended to be printed and ordered to second reading.

## A BILL

For an act to amend Section 70 of an act entitled "An act in regard to the Administration of Estates." Approved April 1, 1872. In force July 1, 1872.

*SECTION 1. Be it enacted by the people of the State of Illinois represented in the General*

*Assembly, That Section 70 of an act entitled "An Act in regard to the Administration of Estates," approved April 1, 1872, be and the same is hereby amended so as to read as follows:*

*SECTION 70. All demands against the estate of any testator or intestator shall be divided into classes in manner following to-wit: First, Funeral Expenses. Second, the widows award if there is a widow or minor children of the deceased if there are such children and no widow. Third expenses, attending the last illness not including physicians bill. Fourth, debts due the common school or township fund. Fifth, all expenses of proving the will and taking out letters testamentary or of administration and settlement of the estate and the physicians bill in the last illness of the deceased. Sixth, where the deceased has received money in trust for any purpose his Executor or Administrator shall pay out of his estate the amount thus received and not accounted for. Seventh, all other debts and demands of whatsoever kind, without regard to quality or dignity which shall be exhibited to the Court within two years from the granting of letters as aforesaid and all demands not exhibited within two years as aforesaid shall be forever barred unless the creditors shall find other estate of the deceased not inventoried or accounted for by the Executor or Administrator in which case their claims shall be paid *pro rata* out of such subsequently discovered estate saving, however, to infants, persons of unsound mind or imprisoned or without the United*

21 States in the employment of the United States or of this State the term of two years after  
22 their respective disabilities are removed to exhibit their claims, provided that with per-  
23 sons of unsound mind the disability shall be removed by the appointment and qualifi-  
24 cation of a conservator for such person and the limitation herein provided shall com-  
25 mence to run from the time of such appointment and qualification.



1. Introduced by Mr. Bash, January 15, 1879, and ordered to first reading.
2. First reading January 15, 1879, and referred to Committee on Military Affairs.
3. Reported back, passage recommended, and ordered to second reading, Jan. 29.

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## A BILL

For an Act to provide for the payment of the Illinois National Guard for services performed during the years 1877 and 1878, and also to provide for the payment of transportation and subsistence of the same.

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SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That the sum of eighty-two thousand and sixty dollars and twenty-seven cents, be and the same is hereby appropriated and set apart, out of any monies in the State Treasury, not otherwise appropriated, for the purpose of paying the Illinois National Guard for services during the years 1877 and 1878, and for the payment of bills for the transportation and subsistence of the same for that period.

§ 2. That under the order of the Governor, and by authority of a commission issued by the Governor, a Paymaster, with rank as Captain, shall be appointed for each brigade as now constituted, who shall, after giving a bond approved by the Governor, in the sum of thirty thousand dollars, conditioned for the faithful performance of their duties, proceed to pay the troops, railroad companies and private individuals, holding just claims against the State, as approved by the Adjutant and Quartermaster-General, for the period named.

§ 3. The Governor, after a complete examination of the pay-rolls of the division, brigade, regiments or separate companies, and the vouchers filed for transportation and subsistence of the troops, and being satisfied that the same are properly made out and approved by the Quartermaster-General, shall proceed to draw his warrant for the amount set forth on said rolls and accounts, in favor of the Paymaster of the brigade to

6 which such troops shall belong, and by which such accounts were made, and shall di-

7 rect the manner and time of payment.

§ 4. That the Paymaster, so commissioned, shall be paid the sum of five dollars for  
2 each days duty while engaged in paying the troops, and three cents per mile for neces-  
3 sary travel by the most direct routes, from the State Treasury, on warrants approved  
4 by the Governor, for which expense the Paymaster shall file duplicate vouchers with  
5 the Adjutant-General of the State.

§ 5. The Paymaster, shall, before proceeding upon the duty as set forth, receive full  
2 instructions from the Adjutant-General as to the time and manner in which such pay-  
3 ments shall be made, and said Paymaster shall, in no instance, deviate therefrom, except  
4 upon written instructions from the Governor.

§ 6. WHEREAS, The troops and other claimants to whom the amount appropriated  
2 by this act is due, having been waiting for their money for over one year and a half,  
3 an emergency exists. This act shall take effect on and after its passage.

1. Introduced by Mr. Jones January 15, 1879, and ordered to first reading.
2. First reading January 15, 1879, and referred to Committee on Banks and Banking.
3. February 21, 1879, reported back with recommendation to be ordered to second reading, so ordered.

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## A BILL

For an act requiring Banks and Banking Associations organized under the laws of this State to make quarterly statements, and to provide for the examination of the affairs of such Banks and Banking Associations and for closing the same.

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SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General*

2 *Assembly,* That every Bank or Banking Association which now is or which may here-  
3 after be organized and doing business by virtue of authority granted under any special  
4 charter, or general law of the State shall, as required by article eleven of the Constitu-  
5 tion of this State, make and publish full and accurate quarterly statements of its  
6 affairs.

§ 2. Such statements shall be made upon the call of the Auditor of Public Accounts  
2 of this State, as provided for in section three of this act, and shall show the condition  
3 of such Bank or Banking Association, at the close of business on the day designated in  
4 such call, and shall set forth the separate amount of all specific items of assets and lia-  
5 bilities as may be designated by the Auditor in such call, and shall be verified by the  
6 affidavit of the President or Vice-President, and the Secretary, Treasurer or Cashier,  
7 as the case may be, of such Bank or Banking Association. Such statement shall,  
8 within ten days after the receipt of the call for the same, be forwarded to the Auditor  
9 of Public Accounts of this State, to be by him placed on file in his office, and a true  
10 copy thereof, shall immediately be published by such Bank or Banking Association, in  
11 some newspaper published in the town or city where such Bank or Banking Associa-

tion is located, and if there be no newspaper published in such town or city, then in some newspaper published in the nearest place thereto. For each day's delay of any Bank or Banking Association to forward their statement to the Auditor, beyond ten days allowed in this section, after the receipt of the call, such Bank or Banking Association shall be liable to a fine of one hundred dollars.

§ 3. It shall be the duty of the Auditor of Public Accounts of this State, as often as once in each of the respective quarters of the year, commencing on the first days of January, April, July and October of each year, to call upon all Banks and Banking Associations organized under the laws of this State, for a full and accurate statement of the condition of their affairs, designating some past day in the particular quarter in which the call is issued as the day for which such statement shall be made. He shall forward a copy of such call to all such Banks and Banking Associations, accompanied by a blank form of report to be prepared by him, upon which such statement shall be made; such blank form of statement report shall embrace such items of specific accounts as refer especially to capital stock, deposits, and debts of all kinds due by such Bank or Banking Association, also the cash means then on hand at their place of business; money on deposit with solvent banks and bankers, subject to be drawn at sight, overdrafts, all bills, bonds, notes, mortgages and other evidences of debt belonging to such Bank or Banking Association, including the amount loaned to the directors or officers of the same. The amount and value of real estate owned by such Bank or Banking Association, and such other specific items of account as the Auditor may deem essential to a full understanding of the true condition of the affairs of such Bank or Banking Association; upon the receipt by the Auditor of the statements of Banks or Banking Associations called for in this act, he shall place them on file in his office, and they shall become a part of the public records thereof.

§ 4. It shall be the duty of said auditor, as often as once in each year, to appoint some competent and trustworthy agent, to make a personal examination of the affairs of each of such banks and banking associations, and to make a full and correct report in writing of the condition of the same to the said auditor, which report shall be filed in his office. Such compensation may be allowed to the said agent as the auditor may deem proper, not exceeding ten dollars per diem for services, and not exceeding ten cents per mile for traveling expenses, which compensation shall be paid by the bank

8 or association so examined, on the certificate of the auditor of public accounts.

§ 5. If the officers of any bank or banking association shall refuse to permit an  
 2 examination of its affairs by the examiner appointed by the auditor, it shall be the duty  
 3 of such examiner at once to report the fact to the auditor in writing, and the auditor  
 4 shall immediately upon the receipt of such report, lay the same before the attorney  
 5 general, whose duty it shall be to commence suit in any proper form of action, in any  
 6 court of competent jurisdiction against such bank or association to compel its officers  
 7 to submit to the examination of its affairs, as required by this act, or show cause why  
 8 the same should not be done.

§ 6. Whenever it shall appear from any of the reports or examinations provided  
 2 for in this act that the affairs of any such bank or association are in an insolvent condi-  
 3 tion, or in such a condition as to render its further continuance in busi-  
 4 ness dangerous to its depositors, stockholders, or to the public, it shall  
 5 be the duty of the auditor at once to furnish the attorney general with all  
 6 such information as may be in his possession, touching the condition of such bank or  
 7 association, and the Attorney General shall immediately, in the name of the People  
 8 take such action in chancery or otherwise as may be necessary for the appointment of  
 9 a receiver, and the winding up of the affairs of such bank or association in such a  
 10 manner as shall best protect the interests of the depositors, stockholders and the general  
 11 public interest in and dealing with such bank or association.

§ 7. It shall be the duty of the Auditor of Public Accounts to embody in his re-  
 2 port that he shall make to the Governor, to be transmitted to the General Assembly of  
 3 this State, as required by article 5 of the constitution, copies of the statement of  
 4 banks and banking associations required by this act, that were made and filed in his  
 5 office the last quarter next preceding the meeting of the General Assembly.



1. Introduced by Mr. McClellan, January 15, 1879, and ordered to first reading.
2. First reading January 15, 1879, and referred to Committee on Judiciary.
3. Reported back passage recommended, and ordered to second reading January 29, 1879.

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## A BILL

For an Act to regulate the forfeitures of policies of Life Insurance.

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SECTION 1. *Be it enacted by the people of the State of Illinois represented in the General*

2 *Assembly, No policy of insurance on life hereafter issued by any company doing busi-*  
3 *ness in this State, shall be forfeited or become void by the non-payment of premiums*  
4 *thereon for the space of one year after such premium shall become due; nor so long*  
5 *as there may be earnings, credits or dividends belonging to the insured, in the hands*  
6 *of the company, sufficient to carry said policy, but such policy shall remain in force as*  
7 *long as such earnings, credits or dividends will carry the policy at the same rate of*  
8 *premium specified in the policy.*

§ 2. In all suits upon policies of insurance on life hereafter issued by any com-  
2 pany doing business in this State, it shall be no defense that the insured committed  
3 suicide, if it shall appear on trial from the evidence that the insured was insane at the  
4 time the suicide was committed, anything in the policy to the contrary notwith-  
5 standing.





1. Introduced by Mr. McClellan, January 15, 1879, and ordered to first reading.
2. First reading January 15, 1879, and referred to Committee on Judiciary.
3. Reported back, passage recommended, and ordered to second reading January 29, 1879.
4. January 31, second reading, referred to Judiciary.
5. February 21, reported back, passage recommended.
6. February 21, recommitted to Judiciary Committee.
7. March 8, reported back with amendments, passage recommended.

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Amendments reported from Committee on Judiciary March 8, 1879.

Amend Bill No. 46 by erasing in line 7, of section one of the original written bill the

- 2 words "one year," and inserting instead thereof the words "ninety days."
- 3 Amend by inserting after the word "insured," in line fifteen of written bill the words
- 4 "and to which the insured would be entitled on payment of such premium."

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## A BILL

For an act to regulate the forfeitures of policies of life insurance.

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SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly, No policy of insurance on life hereafter issued by any company doing business in this State shall be forfeited or become void by the non-payment of premiums, thereon for the space of one year after such premiums shall have become due; nor so long as there may be earnings, credits or dividends belonging to the insured, in the hands of the company, sufficient to carry said policy, but such policy shall remain in force as long as such earnings, credits or dividends will carry the policy at the same rate of premium specified in the policy.*

§ 2. In all suits upon policies of insurance on life, hereafter issued by any company

- 2 doing business in this State, it shall be no defense that the insured committed suicide
- 3 if it shall appear on the trial from the evidence that the insured was insane at the time
- 4 the suicide was committed, anything in the policy to the contrary notwithstanding.

1. Introduced by Mr. McClellan January 15, and ordered to first reading.
2. First reading January 15, and referred to Committee on Judiciary.
3. Reported back, passage recommended, and ordered to second reading January 29.
4. January 31, second reading and referred to Judiciary Committee.
5. February 21, reported back, passage recommended.
6. February 21, recommitted to Judiciary Committee.
7. March 8, reported back with amendments, passage recommended.
8. April 7, amended and ordered to third reading.

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### A BILL

For an act to regulate the forfeitures of policies of life insurance.

---

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That no policy of insurance on life hereafter issued by any company doing business in this State shall be forfeited or become void by the non-payment of premiums thereon for the space of ninety days after such premiums shall have become due; nor so long as there may be earnings, credits or dividends belonging to the insured, and to which the insured would be entitled on payment of such premium, in the hands of the company, sufficient to carry said policy, but such policy shall remain in force as long as such earnings, credits or dividends will carry the policy at the same rate of premium specified in the policy.

§ 2. In all suits upon policies of insurance on life hereafter issued by any company doing business in this State, it shall be no defense that the insured committed suicide, if it shall appear on the trial from the evidence that the insured was insane at the time the suicide was committed, anything in the policy to the contrary notwithstanding.



(In House.)

1. Reported to House April 26, 1879.
2. First reading April 28, and referred to Committee on Insurance.
3. Reported back and tabled, May 24. On motion taken from table and re-referred to Committee on Insurance.
4. May 27. Reported back, to pass with amendments. Committee amendments adopted and bill ordered to second reading.

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**Amendments to Senate Bill No. 46, adopted May 28, 1879.**

Amend by striking out all of said bill after the enacting clause, and substitute there-

2 for the following :

3     **SECTION 2.** In all suits upon policies of insurance on life, hereafter issued by any  
4 company doing business in this State, it shall be no defence that the insured committed  
5 suicide, if it shall appear on the trial, from the evidence, that the insured was insane at  
6 the time the suicide was committed; nor shall it be any defence if it shall appear that the  
7 accused died by his own hand involuntarily, anything in the policy to the contrary not-  
8 withstanding."

W. B. TAYLOR, Clerk.

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**A BILL**

For an Act to regulate the forfeitures of Policies on Life Insurance.

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**SECTION 1.** *Be it enacted by the people of the State of Illinois, represented in the General*  
2 *Assembly, That no policy of insurance on life, hereafter issued by any company doing*  
3 *business in this State, shall be forfeited or become void by the non-payment of pre-*

4 miums thereon for the space of ninety days after such premiums shall have become due,  
5 nor as long as there may be earnings, credits or dividends belonging to the insured, and  
6 to which the insured would be entitled on payment of such premium, in the hands of  
7 the company, sufficient to carry said policy, but such policy shall remain in force as  
8 long as such earnings, credits or dividends will carry the policy at the same rate, of  
9 premium specified in the policy.

§ 2. In all suits upon policies of insurance on life, hereafter issued by any company  
2 doing business in this State, it shall be no defence that the insured committed suicide,  
3 if it shall appear on the trial, from the evidence, that the insured was insane at the time  
4 the suicide was committed, anything in the policy to the contrary notwithstanding.

1. Introduced by Mr. Mayborne January 15, 1879, and ordered to first reading.
2. First reading January 15, 1879, and referred to Committee on Judiciary.
3. Reported back with Amendments, Passage Recommended, and ordered to second reading, January 29, 1879.

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AMENDMENTS TO SENATE BILL No. 47, REPORTED FROM COMMITTEE ON  
JUDICIARY.

Amend by striking out the word and figure "Section 2."

- 2 Amend by striking out the words "orally in Court or."
- 3 Amend by inserting after the word propose the word "of."
- 4 Amend by striking out the words "the transcript of" in last line of page on written
- 5 bill, and insert after the word "thereof" in same line the words, "or a copy duly."

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A BILL

To amend An Act entitled "An Act concerning conveyances" Approved March 29, 1872.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General  
2 Assembly.*

§ 2. Whenever upon the trial of any cause in law or equity in this State, any party  
2 to said cause, or his agent or attorney in his behalf shall orally in Court or by affidavit  
3 to be filed in said cause, testify and state under oath that the required United States  
4 Patent conveying or concerning the title to the lands, tenements and hereditaments in  
5 question, in such suit is lost, or not in the power of the party wishing to use it on such  
6 trial of any such cause, and that to the best of his knowledge said patent was not in-  
7 tentinally destroyed or lost or in any manner disposed of for the purpose introducing  
8 a copy thereof, in place of the original, and if the original patent has been recorded in  
9 the recorder's office of the county wherein such lands are situated, then the transcript

- 10 of the record thereof certified by the recorder in whose office the same may have been
- 11 or may hereafter be recorded, may be read in evidence in any Court in the State with
- 12 like effect as though the original patent was produced and read in evidence.

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1. Introduced by Mr. Mayborne January 15, 1879, and ordered to a first reading.
2. First reading January 15, 1879, and referred to the Committee on Judiciary.
3. Reported back with amendments, passage recommended, and ordered to second reading January 29, 1879.
4. January 31, 1879, amendments adopted and ordered to third reading.

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## A BILL

To amend an Act entitled, "An Act concerning Conveyances," approved March  
29, 1872.

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*SECTION 1. Be it enacted by the people of the State of Illinois, represented in the General*

*2 . Assembly, That whenever upon the trial of any cause in law or equity in this State,  
3 any party to said cause, or his agent or attorney in his behalf shall by affidavit to be  
4 filed in said cause, testify and state under oath that the required United States Patent  
5 conveying or concerning the title to the lands, tenements and hereditaments in question,  
6 in such suit is lost, or not in the power of the party wishing to use it on such trial of  
7 any such cause, and that to the best of his knowledge said patent was not intentionally  
8 destroyed or lost or in any manner disposed of for the purpose of introducing a copy  
9 thereof, in place of the original, and if the original patent has been recorded in the  
10 Recorder's office of the county wherein such lands are situated, then the record thereof  
11 or a copy duly certified by the Recorder in whose office the same may have been or  
12 may hereafter be recorded, may be read in evidence in any Court in this State with like  
13 effect as though the original patent was produced and read in evidence.*

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(In House.)

1. Reported from House January 31, 1879.
2. First reading February 8, 1879, and referred to Committee on Judiciary.
3. Reported back, passage recommended, and ordered to second reading March 12, 1879.

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### A BILL

For an act to amend an act entitled "An Act concerning Conveyances," approved

March 29, 1872.

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SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* Whenever upon the trial of any cause in law or equity in this State, any party to said cause, or his agent or attorney in his behalf shall, by affidavit to be filed in said cause, testify and state under oath that the required United States patent, conveying or concerning the title to the lands, tenements and hereditaments in question in such suit, is lost, or not in the power of the party wishing to use it on such trial of any such cause, and that to the best of his knowledge said patent was not intentionally destroyed or lost, or in any manner disposed of for the purpose of introducing a copy thereof in place of the original, and if the original patent has been recorded in the recorder's office of the county wherein such lands are situated, then the record thereof, certified by the recorder in whose office the same may have been or may hereafter be recorded, may be read in evidence in any court in this State, with like effect as though the original patent was produced and read in evidence.



1. Introduced by Mr. Herdman January 15, 1879, and ordered to first reading.
2. First reading January 16, 1879, and referred to Committee on Penal and Reformatory Institutions.
3. Reported back, passage recommended, and ordered to second reading February 5, 1879.

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### A BILL

For an act to amend an act entitled an act in relation to the Penitentiary at Joliet, to be entitled "An act to provide for the management of the Illinois State Penitentiary at Joliet," approved June 16, 1871; in force July 1, 1871.

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**SECTION 1.** *Be it enacted by the People of the State of Illinois, represented in the General*

2 *Assembly,* That Section four (4) of an act entitled an act in relation to the Penitentiary  
3 at Joliet, to be entitled "An act to provide for the management of the Illinois State  
4 Penitentiary at Joliet," approved June 16, 1871; in force July 1, 1871, be so amended  
5 as to read as follows:

"§ 4. The Commissioners shall be appointed by the Governor, by and with the ad-  
2 vice and consent of the Senate, and be subject to removal by the Governor at his dis-  
3 cretion, which removal and the cause thereof shall be reported by the Governor to the  
4 next General Assembly. Those now in office shall continue to hold such offices during  
5 the terms for which they were respectively appointed, unless sooner removed by the  
6 Governor. At the expiration of the terms of office for which the present Commission-  
7 ers have been appointed, and biennially thereafter, there shall be appointed by the  
8 Governor, by and with the advice and consent of the Senate, one Penitentiary Commis-  
9 sioner, who shall hold his office for the term of six years, unless sooner removed by the  
10 Governor. In case of any vacancy occasioned by the removal from the State by any  
11 person so appointed, or death, or resignation, or non-acceptance of the office, or re-  
12 moval from office by the Governor, of any such person so appointed, the Governor shall

- 13 immediately appoint a person to fill such vacancy for the residue only of such term.
- 14 And all appointments made by the Governor when the Senate is not in session, shall
- 15 be valid until the next session of the Senate."

1. Introduced by Mr. Herdman, January 15, 1879, and ordered to first reading.
2. First reading January 15, 1879, and referred to Committee on Penal and Reformatory Institutions.
3. Reported back, passage recommended, and ordered to second reading February 5, 1879.
4. February 11, 1879, second reading, amended and ordered to third reading.

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### A BILL

For An Act to amend an act entitled "An Act in relation to the Penitentiary at Joliet, to be entitled 'An act to provide for the management of the Illinois State Penitentiary at Joliet,' " approved June 16, 1871; in force July 1, 1871."

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**SUMMARY.** 1. *Be it enacted by the people of the State of Illinois, represented in the General*

2 *Assembly, That Section four (4) of an act entitled "An Act in relation to the Peniten-*  
3 *tiary at Joliet, to be entitled 'an act to provide for the management of the Illinois*  
4 *State Penitentiary at Joliet,' " approved June 16, 1871; in force July 1, 1871, be so*  
5 *amended as to read as follows:*

§ 4. The Commissioners shall be appointed by the Governor, by and with the ad-  
2 vice and consent of the Senate, and be subject to the removal by the Governor at his  
3 discretion, which removal and the cause thereof shall be reported by the Governor to  
4 the next General Assembly. Those now in office shall continue to hold such offices  
5 during the terms for which they were respectively appointed, unless sooner removed  
6 by the Governor. At the expiration of the terms of office for which the present Com-  
7 missioners have been appointed, and biennially thereafter, there shall be appointed by  
8 the Governor, by and with the advice and consent of the Senate, one Penitentiary  
9 Commissioner, who shall hold his office for the term of six years, unless sooner re-  
10 moved by the Governor. In case of any vacancy occasioned by the removal from  
11 the State by any person so appointed, or death, or resignation, or non-acceptance of

12 the office, or removal from office by the Governor, of any such person so appointed,  
13 the Governor shall immediately appoint a person to fill such vacancy for the residue  
14 only of such term. And all appointments made by the Governor when the Senate is  
15 not in session, shall be valid until acted upon at the next session of the Senate.



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(In House.)

1. Reported from Senate March 6, 1879.
2. First reading March 8, 1879, and referred to Committee on Penitentiary.
3. Reported back, passage recommended and ordered to second reading.

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## A BILL

For an act to amend an act entitled "An Act in relation to the Penitentiary at Joliet, to be entitled 'An Act to provide for the management of the Illinois State Penitentiary at Joliet,'" approved June 16, 1871; in force July 1, 1871.

---

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That section four (4) of an act entitled "An Act in relation to the Penitentiary at Joliet, to be entitled 'An Act to provide for the management of the Illinois State Penitentiary at Joliet,'" approved June 16, 1871; in force July 1, 1871, be so amended as to read as follows:

SECTION 4. The commissioners shall be appointed by the Governor, by and with the advice and consent of the Senate, and be subject to removal by the Governor at his discretion, which removal and the cause thereof shall be reported by the Governor to the next General Assembly. Those now in office shall continue to hold such offices during the terms for which they were respectively appointed, unless sooner removed by the Governor. At the expiration of the terms of office for which the present commissioners have been appointed, and biennially thereafter, there shall be appointed by the Governor, by and with the advice and consent of the Senate, one penitentiary commissioner, who shall hold his office for the term of six years, unless sooner removed by the Governor. In case of any vacancy occasioned by the removal from the State by any person so appointed, or death, or resignation, or non-acceptance of the office, or

12 removal from office by the Governor, of any such person so appointed, the Governor  
13 shall immediately appoint a person to fill such vacancy for the residue only of such  
14 term. And all appointments made by the Governor when the Senate is not in session,  
15 shall be valid until acted upon at the next session of the Senate.

1. Introduced by Mr. Herdman January 15, 1879, and ordered to first reading.
2. First reading January 15, 1879, and referred to Committee on Roads, Highways and Bridges.
3. Reported back, passage recommended, and ordered to second reading February 10, 1879.

## A BILL

For an Act concerning hedge fences along the public highways in this State.

**SECTION 1.** *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the owner or owners of any hedge fence along the line of any public highway in this State, shall, after such hedge fence attains unto the age of seven years, cut back or trim such hedge fence to a height not to exceed five feet, at least once every two years thereafter, so that such public highway shall not be obstructed, or impaired in usefulness or convenience by such hedge fence. *Provided,* That the provisions of this section shall not apply where such hedge fence is permitted by the owner or owners thereof to grow up without trimming or cutting back for the purpose of protecting or screening orchards or buildings. *And provided further,* That nothing in this Section shall be construed to apply to fences of growing willow.

§ 2. If the owner or owners of any such hedge fence shall neglect or refuse to comply with the provisions of this act, after twenty days written notice given by the overseer or supervisor of highways of the road district in which such hedge fence may be situated, it shall be the duty of such overseer or supervisor of highways to cause such hedge fence to be cut back or trimmed, as required by this act, and the necessary expense thereof, with costs of suit, may be recovered against the owner or owners of such hedge fence, before any Justice of the Peace of the proper county, in the name of the proper overseer or supervisor, for the use of the proper road district. The notice required by this section shall be served by copy upon the owner or owners of such

10 hedge fence before the fifteenth day of April in the year in which such hedge fence is  
11 required to be cut back or trimmed.

§ 8. Any overseer or supervisor of highways neglecting or refusing to perform his  
2 duty under this act shall be liable to a fine of not less than twenty dollars, nor more than  
3 fifty dollars, to be recovered in the name of the people of the State of Illinois upon  
4 complaint in writing before any Justice of the Peace of the proper county, for the use  
5 of the proper road district.

1. Introduced by Mr. Herdman January 15, 1879, and ordered to first reading.
2. First reading January 15, 1879, and referred to Committee on Roads, Highways and Bridges.
3. Reported back, passage recommended, and ordered to second reading February, 10, 1879.
4. February 18, second reading, amended and ordered to third reading.

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## A BILL

For an Act concerning hedge fences along the public highways in this State.

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SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the owner or owners of any hedge fence along the line of any public highway in this State, shall, after such hedge fence attains unto the age of seven years, cut back or trim such hedge fence to a height not to exceed five feet, at least once on or before the 10th day of April every two years thereafter, so that such public highway shall not be obstructed, or impaired in usefulness or convenience by such hedge fence: *Provided,* that the provisions of this section shall not apply where such hedge fence is permitted by the owner or owners thereof to grow up without trimming or cutting back for the purpose of protecting or screening orchards or buildings: *And, provided,* further, that nothing in this section shall be construed to apply to fences of growing willow.

§ 2. If the owner or owners of any such hedge fence shall neglect or refuse to comply with the provisions of this act, after twenty days written notice given by the overseer or supervisor of highways of the town, or supervisor of highways of the road district in which such hedge fence may be situated, it shall be the duty of such overseer or commissioner of highways or supervisor of highways to cause such hedge fence to be cut back or trimmed, as required by this act, and the necessary expense thereof, with costs of suit, may be recovered against the owner or owners of such hedge fence, before

any Justice of the Peace of the proper county, in the name of the proper overseer or commissioners of highways of the town or supervisor of the road district for the use of the proper town or road district. The notice required by this section shall be served by copy upon the owner or owners of such hedge fence or upon his or their agents before the fifteenth day of April in the year in which such hedge fence is required to be cut back or trimmed.

§ 3. Any overseer, commissioner or supervisor of highways neglecting or refusing to perform his duty under this act, shall be liable to a fine of not less than five dollars nor more than twenty dollars, to be recovered in the name of the People of the State of Illinois, upon complaint in writing before any Justice of the Peace of the proper county, for the use of the proper road district or town.

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(In House.)

1. Reported from Senate March 6, 1879.
2. First reading March 8, 1879, and referred to Committee on Agriculture.
3. Reported back, passage recommended and ordered to second reading.

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## A BILL

For an act concerning Hedge Fences along the Public Highways in this State.

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SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General*

2 *Assembly, That the owner or owners of any hedge fence along the line of any public*  
3 *highway in this State shall, after said hedge fence attains unto the age of seven years,*  
4 *cut back or trim such hedge fence to a height not to exceed five feet, at least once on or*  
5 *before the tenth day of April, every two years thereafter, so that such public highway*  
6 *shall not be obstructed or impaired in usefulness or convenience by such hedge fence:*  
7 *Provided, that the provisions of this section shall not apply where such hedge fence is*  
8 *permitted by the owner or owners thereof, to grow up without trimming or cutting*  
9 *back, for the purpose of protecting or screening orchards or buildings: And, provided*  
10 *further, that nothing in this section shall be construed to apply to fences of growing*  
11 *willow.*

§ 2. If the owner or owners of any such hedge fence shall neglect or refuse to comply with the provisions of this act after twenty days written notice given by the overseer or commissioners of highways of the town, or supervisor of highways of the road district in which such hedge fence may be situated, it shall be the duty of such overseer or commissioners of highways, or supervisor of highways, to cause such hedge fence to be cut back or trimmed, as required by this act; and the necessary expense thereof, with costs of suit, may be recovered against the owner or owners of such hedge

6 fence before any justice of the peace of the proper county, in the name of the proper  
7 overseer or commissioners of highways of the town, or supervisor of the road district,  
10 for the use of the proper town or road district. The notice required by this section,  
11 shall be served by copy upon the owner or owners of such hedge fence or upon his or  
12 their agents before the fifteenth day of April in the year in which such hedge fence is  
13 required to be cut back or trimmed.

§ 2. Any overseer, commissioner, or supervisor of highways, neglecting or refusing  
2 to perform his duty under this act, shall be liable to a fine of not less than five dollars  
3 nor more than twenty dollars, to be recovered in the name of the people of the State of  
4 Illinois, upon complaint in writing before any Justice of the Peace of the proper county  
5 for the use of the proper road district or town.



- 1 Introduced Jan. 15, 1879. Read first time and referred to Committee on Judicial  
2 Department.  
3 Jan. 17. Reported back. Passage recommended.

## A BILL

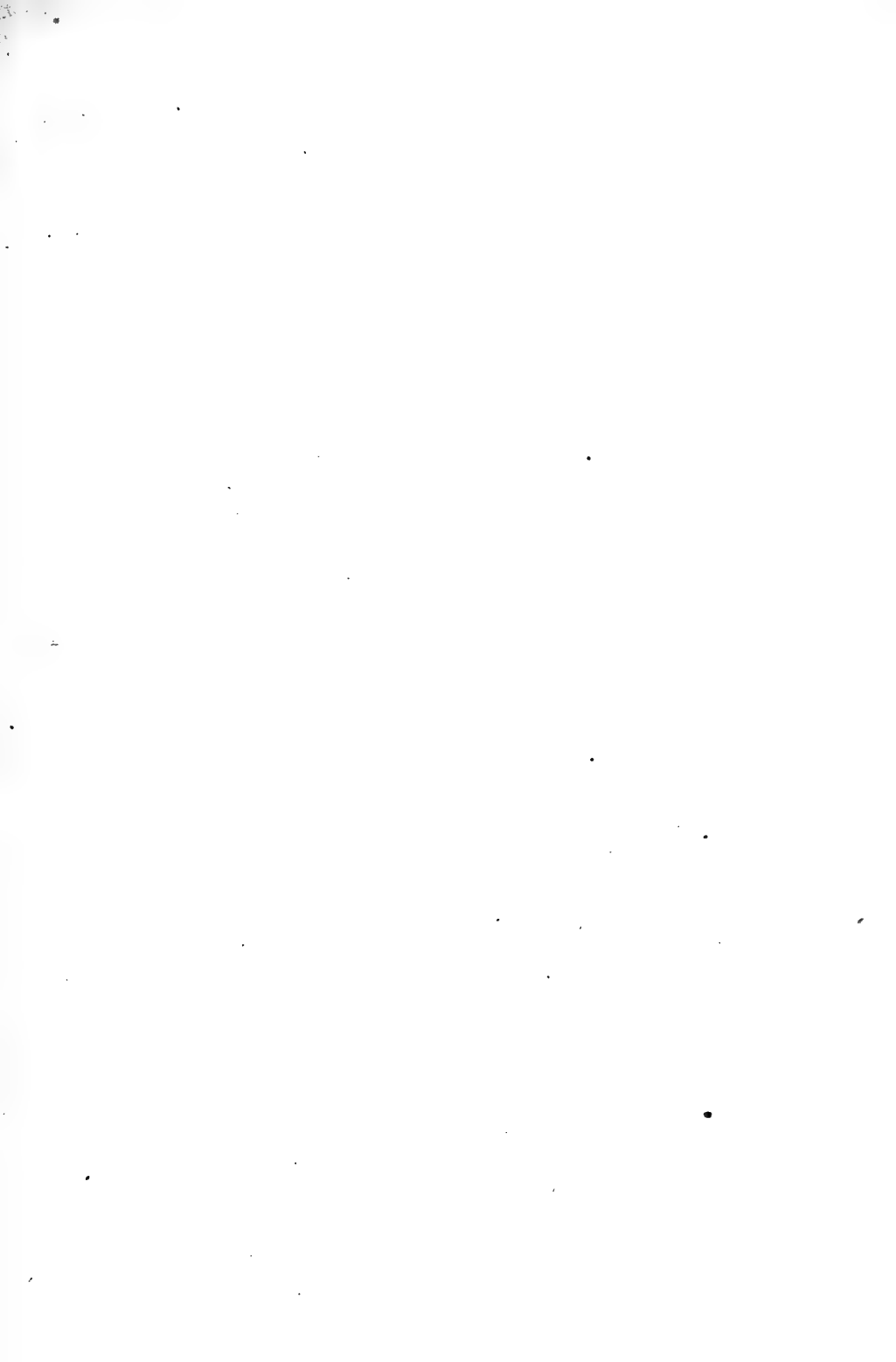
For an Act to amend Section One (1) of an Act entitled "An Act to revise the law in relation to the Supreme Court," approved March 23d, 1874, and in force July 1st, 1874.

- SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General*  
2 *Assembly,* That for the purpose of holding terms of the Supreme Court, the State shall  
3 be divided into three grand divisions, to be known as the Southern, Central and  
4 Northern grand divisions, respectively, and to be as follows:

- The Southern Grand Division shall include the counties of Alexander, Bond, Clay,  
2 Clinton, Crawford, Edwards, Effingham, Fayette, Franklin, Gallatin, Hamilton, Har-  
3 din, Jackson, Jasper, Jefferson, Johnson, Lawrence, Marion, Massac, Monroe, Perry,  
4 Pope, Pulaski, Randolph, Richland, Saline, St. Clair, Union, Wabash, Washington,  
5 Wayne, White and Williamson.

- The Central Grand Division shall include the counties of Adams, Brown, Cass, Cal-  
2 houn, Champaign, Christian, Clark, Coles, Cumberland, DeWitt, Douglas, Edgar,  
3 Ford, Fulton, Greene, Hancock, Jersey, Logan, Macon, Macoupin, Madison, Mason,  
4 McDonough, McLean, Menard, Montgomery, Morgan, Moultrie, Piatt, Pike, Sangamon,  
5 Schuyler, Scott, Shelby, Tazewell and Vermilion.

- The Northern Grand Division shall include the counties of Boone, Bureau, Carroll,  
2 Cook, DeKalb, DuPage, Grundy, Henderson, Henry, Iroquois, JoDaviess, Kane, Kan-  
3 kakee, Kendall, McHenry, Mercer, Ogle, Peoria, Putnam, Rock Island, Stark,  
4 Stephenson, Warren, Whiteside, Will, Winnebago and Woodford.



- 1 Introduced Jan. 15, 1879. Read first time and referred to Committee on Judicial  
2 Department.  
3 Jan. 17. Reported back. Passage recommended.

### A BILL

For an Act to amend Section One (1) of an Act entitled "An Act to revise the law in relation to the Supreme Court," approved March 23d, 1874, and in force July 1st, 1874.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That for the purpose of holding terms of the Supreme Court, the State shall be divided into three grand divisions, to be known as the Southern, Central and Northern grand divisions, respectively, and to be as follows:

The Southern Grand Division shall include the counties of Alexander, Bond, Clay, Clinton, Crawford, Edwards, Effingham, Fayette, Franklin, Gallatin, Hamilton, Hardin, Jackson, Jasper, Jefferson, Johnson, Lawrence, Marion, Massac, Monroe, Perry, Pope, Pulaski, Randolph, Richland, Saline, St. Clair, Union, Wabash, Washington, Wayne, White and Williamson.

The Central Grand Division shall include the counties of Adams, Brown, Cass, Calhoun, Champaign, Christian, Clark, Coles, Cumberland, DeWitt, Douglas, Edgar, Ford, Fulton, Greene, Hancock, Jersey, Logan, Macon, Macoupin, Madison, Mason, McDonough, McLean, Menard, Montgomery, Morgan, Moultrie, Piatt, Pike, Sangamon, Schuyler, Scott, Shelby, Tazewell and Vermilion.

The Northern Grand Division shall include the counties of Boone, Bureau, Carroll, Cook, DeKalb, DuPage, Grundy, Henderson, Henry, Iroquois, Jo Daviess, Kane, Kankakee, Kendall, Knox, Lake, LaSalle, Lee, Livingston, Marshall, McHenry, Mercer, Ogle, Peoria, Putnam, Rock Island, Stark, Stephenson, Warren, Whiteside, Will, Winnebago and Woodford.



1. Introduced Jan. 15, 1879.
2. Read first time and referred to Committee on Judicial Department.
3. Jan. 17, reported back and passage recommended.
4. Jan. 28, second reading and ordered to third reading.
5. Jan. 29, third reading and recommitted to Committee on Judicial Department.
6. Feb. 6, reported back, with amendment, ordered printed and placed on file.

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Amendments proposed by the Committee to Senate Bill No. 51.

- Strike out all after the word "Assembly" in the eighth line of the written bill down  
2 to and including the word "follows" in the thirteenth line, and insert the following,  
3 viz: "That section one (1) of an act entitled, "An act to revise the law in relation to  
4 the Supreme Court," approved March 23, 1874, be and the same is hereby so amended  
5 as to read as follows:
- 6 SECTION 1. That for the purpose of holding terms of the Supreme Court, the State  
7 shall be divided into three grand divisions, to be known as the Southern, Central and  
8 Northern Grand Divisions respectively, and to be as follows:
- 9 In line eighteen after the word "Lawrence" insert the word "Madison."
- 10 In line twenty-seven strike out the word "Madison."

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A BILL

For an Act to amend section one (1) of an act entitled, "An act to revise the law in relation to the Supreme Court," approved March 23, 1874, and in force July 1, 1874.

- 
- SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General*  
2 *Assembly,* That for the purpose of holding terms of the Supreme Court, the State shall  
3 be divided into three Grand Divisions, to be known as the Southern, Central and  
4 Northern Grand Divisions, respectively, and to be as follows:
- 5 The Southern Grand Division shall include the counties of Alexander, Bond, Clay,

- 6 Clinton, Crawford, Edwards, Effingham, Fayette, Franklin, Gallatin, Hamilton, Har-
- 7 din, Jackson, Jasper, Jefferson, Johnson, Lawrence, Marion, Massac, Monroe, Perry,
- 8 Pope, Pulaski, Randolph, Richland, Saline, St. Clair, Union, Wabash, Washington,
- 9 Wayne, White and Williamson.
- 10 The Central Grand Division shall include the counties of Adams, Brown, Cass, Cal-
- 11 houn, Champaign, Christian, Clark, Coles, Cumberland, DeWitt, Douglass, Edgar,
- 12 Ford, Fulton, Green, Hancock, Jersey, Logan, Macon, Macoupin, Madison, Mason,
- 13 McDonough, McLean, Menard, Montgomery, Morgan, Moultrie, Piatt, Pike, Sauga-
- 14 mon, Schuyler, Scott, Shelby, Tazewell and Vermilion.
- 15 The Northern Grand Division shall include the counties of Boone, Bureau, Carroll,
- 16 Cook, DeKalb, DuPage, Grundy, Henderson, Henry, Iroquois, JoDavies, Kane, Kan-
- 17 kakee, Kendall, Knox, Lake, LaSalle, Lee, Livingston, Marshall, McHenry, Mercer,
- 18 Ogle, Peoria, Putnam, Rock Island, Stark, Stephenson, Warren, Whiteside, Will,
- 19 Winnebago and Woodford.

1. Introduced Jan. 15, 1879.
2. Read first time and referred to Committee on Judicial Department.
3. January 17, reported back and passage recommended.
4. January 28, second reading and ordered to third reading.
5. January 29, third reading and recommitted to Committee on Judicial Department.
6. February 6, reported back, with amendment, ordered printed and placed on file.
7. February 19, amended and ordered to third reading.

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## A BILL

For an Act to amend Section one (1) of an act entitled, "An act to revise the law in relation to the Supreme Court," approved March 23, 1874, and in force July 1, 1874.

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**SECTION 1.** *Be it enacted by the People of the State of Illinois represented in the General Assembly,* That Section one (1) of an act entitled, "An act to revise the law in relation to the Supreme Court," approved March 23, 1874, be and the same is hereby so amended as to read as follows:

§ 1. That for the purpose of holding terms of the Supreme Court, the State shall be divided into three grand divisions, to be known as the Southern, Central and Northern Grand Divisions respectively, and to be as follows:

The Southern Grand Division shall include the counties of Alexander, Bond, Clay, Clinton, Crawford, Edwards, Effingham, Fayette, Franklin, Gallatin, Hamilton, Hardin, Jackson, Jasper, Jefferson, Johnson, Lawrence, Madison, Marion, Macon, Monroe, Perry, Pope, Pulaski, Randolph, Richland, Saline, St. Clair, Union, Wabash, Washington, Wayne, White and Williamson.

The Central Grand Division shall include the counties of Adams, Brown, Cass, Calhoun, Champaign, Christian, Clark, Coles, Cumberland, DeWitt, Douglas, Edgar, Ford, Fulton, Green, Hancock, Jersey, Logan, Macon, Macoupin, Mason, McDonough,

- 9** McLean, Menard, Montgomery, Morgan, Moultrie, Piatt, Pike, Sangamon, Schuyler,
- 10** Scott, Shelby, Tazewell and Vermilion.
- 11** The Northern Grand Division shall include the counties of Boone, Bureau, Carroll,
- 12** Cook, DeKalb, DuPage, Grundy, Henderson, Henry, Iroquois, JoDavies, Kane, Kan-
- 13** kakee, Kendall, Knox, Lake, LaSalle, Lee, Livingston, Marshall, McHenry, Mercer,
- 14** Ogle, Peoria, Putnam, Rock Island, Stark, Stephenson, Warren, Whiteside, Will,
- 15** Winnebago and Woodford.



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(In House.)

1. Reported to House March 6.
2. First reading March 8, and referred to Committee on Judicial Department.
3. Reported back, passage recommended, and ordered to a second reading.

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## A BILL

For an act to amend section one (1) of an act entitled "An act to revise the law in relation to the Supreme Court," approved March 23, 1874, and in force July 1, 1874.

---

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General*

2 *Assembly, That section one (1) of an act entitled, "An act to revise the law in relation*  
3 *to the Supreme Court," approved March 23, 1874, be and the same is hereby so amended*  
4 *as to read as follows:*

§ 1. That for the purpose of holding terms of the Supreme Court, the State shall be  
2 divided into three grand divisions, to be known as the Southern, Central and Northern  
3 Grand Divisions respectfully, and to be as follows:

4 The Southern Grand Division shall include the counties of Alexander, Bond, Clay,  
5 Clinton, Crawford, Edwards, Effingham, Fayette, Franklin, Gallatin, Hamilton, Har-  
6 din, Jackson, Jasper, Jefferson, Johnson, Lawrence, Madison, Marion, Massac, Monroe,  
7 Perry, Pope, Pulaski, Randolph, Richland, Saline, St. Clair, Union, Wabash, Wash-  
8 ington, Wayne, White and Williamson.

9 The Central Grand Division shall include the counties of Adams, Brown, Cass, Cal-  
10 houn, Champaign, Christian, Clark, Coles, Cumberland, DeWitt, Douglas, Edgar, Ford,  
11 Fulton, Green, Hancock, Jersey, Logan, Macon, Macoupin, Mason, McDonough, Mc-  
12 Lean, Menard, Montgomery, Morgan, Moultrie, Piatt, Pike, Sangamon, Schuyler,  
13 Scott, Shelby, Tazewell and Vermilion.

14 The Northern Grand Division shall include the counties of Adams, Brown, Cass, Cal-

- 15 Cook, DeKalb, DuPage, Grundy, Henderson, Henry, Iroquois, JoDavies, Kane, Kankas,  
16 kee, Kendall, Knox, Lake, LaSalle, Lee, Livingstone, Marshall, McHenry, Mercer,  
17 Ogle, Peoria, Putnam, Rock Island, Stark, Stephenson, Warren, Whiteside, Will,  
18 Winnebago and Woodford.

1. Introduced by Mr. McDowell January 15, 1879, and ordered to first reading.
2. First reading January 15, 1879, and referred to Committee on Judicial Department.
3. Reported back with amendments, passage recommended, and ordered to second reading February 6, 1879.

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Amendments Senate Bill No. 52.

- Amend Senate Bill No. 52 by striking out in line 18 of the written bill the word
- 2 "Jefferson" and inserting "Gallatin" and by striking out in line 27 of the written
  - 3 bill the word "Gallatin" and inserting "Jefferson."

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A BILL

For an act to amend "An act concerning circuit courts, and to fix the time of holding the same in the several counties of the judicial circuits in the State of Illinois exclusive of Cook" approved May 2nd 1873.

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SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General*

2 *Assembly, That paragraph twenty-five of Section one, of an act entitled "An act con-*  
3 *cerning circuit courts and to fix the time of holding the same in the several counties*  
4 *of the judicial circuits in the State of Illinois exclusive of Cook" approved May 2nd,*  
5 *1873 be and the same is hereby amended so as to read as follows:*

6 *Twenty-Fourth Circuit.*—In the county of White, on the first Monday of January,  
7 the first Monday of June and the first Monday of October; in the county of Jefferson  
8 on the first Monday of February and first Monday of September; in the county of  
9 Hamilton, on the 4th Monday of February and the 4th Monday of September; in the  
10 county of Wayne on the third Monday of March and the third Monday of October;

11 in the county of Edwards on the second Monday of April and the second Monday of  
12 November; in the county of Wabash on the third Monday in April and on the third  
13 Monday of November, and in the county of Gallatin on the second Monday of May  
14 and second Monday of December, provided, that the June term of the court to be  
15 held in the county of White, shall be devoted exclusively to the impanneling of a  
16 grand jury, the trial of criminal cases, and the transaction of any business in civil and  
17 chancery cases not requiring a jury or when a jury may be waived.

1. Introduced by Mr. McDowell January 15, 1879, and ordered to first reading.
2. First reading Jan. 15, 1879, and referred to Committee on Judicial Department.
3. Reported back, with amendments, passage recommended, and ordered to second reading February 6, 1879.
4. Feb. 18, 1879, second reading, amendments adopted and ordered to third reading.

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## A BILL

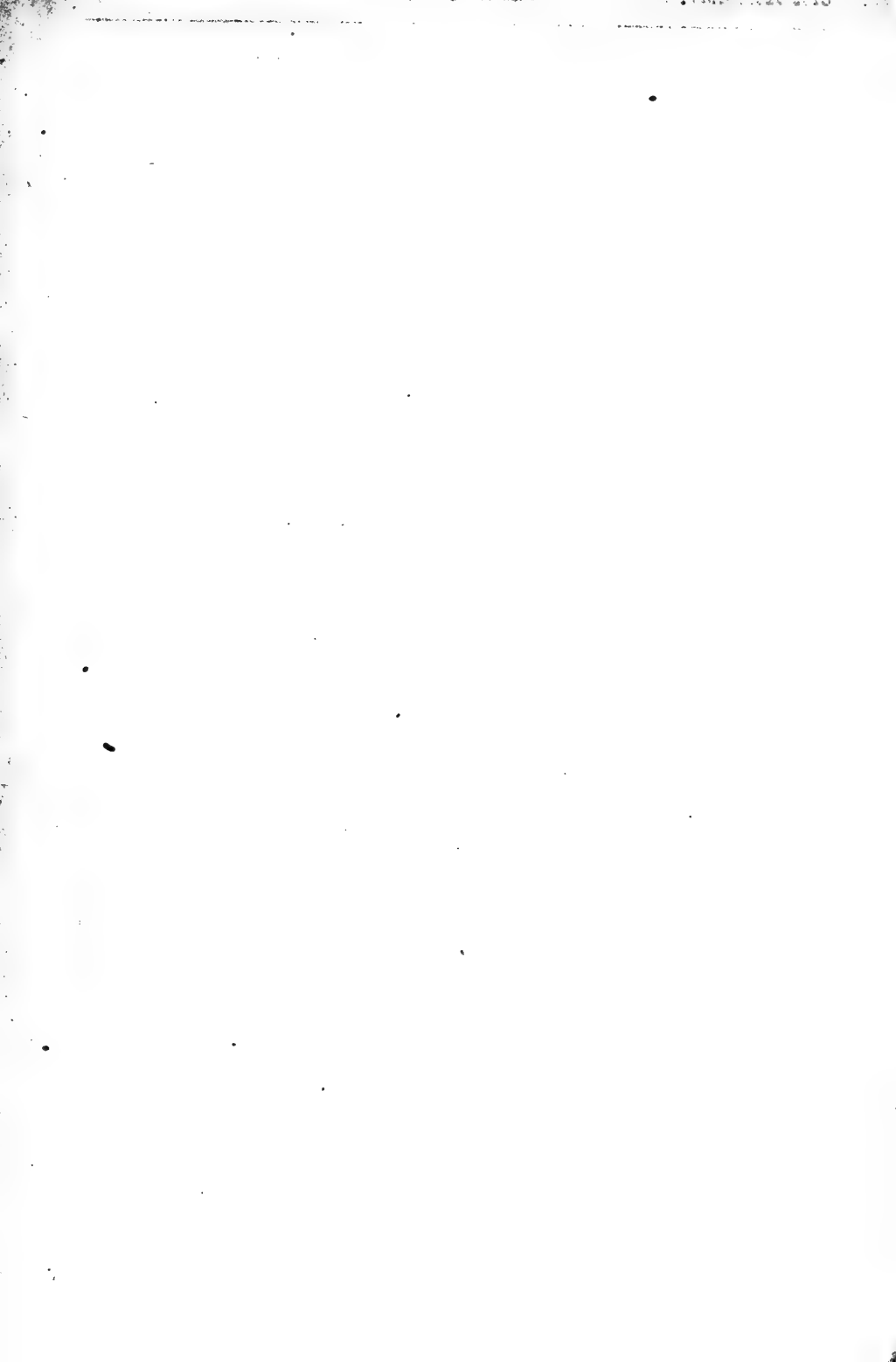
For an Act to amend "An act concerning Circuit Courts, and to fix the time of holding the same in the several counties of the judicial circuits in the State of Illinois exclusive of Cook," approved May 2, 1873.

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**SECTION 1.** *Be it enacted by the People of the State of Illinois, represented in the General*

*Assembly,* That paragraph twenty-five of section one, of an act entitled "An act concerning Circuit Courts, and to fix the time of holding the same in the several counties of the judicial circuits in the State of Illinois exclusive of Cook," approved May 2, 1873, be and the same is hereby amended so as to read as follows:

*Twenty-fourth Circuit.*—In the county of White on the first Monday of January, the first Monday of June and the first Monday of October; in the county of Gallatin on the first Monday of February and first Monday of September; in the county of Hamilton on the fourth Monday of February and the fourth Monday of September; in the county of Wayne on the third Monday of March and the third Monday of October; in the county of Edwards on the second Monday of April and the second Monday of November; in the county of Wabash on the third Monday in April and on the third Monday of November, and in the county of Jefferson on the second Monday of May and second Monday of December: *Provided,* that the June term of the court to be held in the county of White, shall be devoted exclusively to the impanneling of a grand jury, the trial of criminal cases, and the transaction of any business in civil and chancery cases not requiring a jury or when a jury may be waived.



1. Introduced by Mr. Parkinson Jan. 16, 1879, and ordered to first reading.
2. First reading Jan. 16, 1879, and referred to Committee on Horticulture.
3. Reported back, passage recommended and ordered to second reading Feb. 3, 1879.

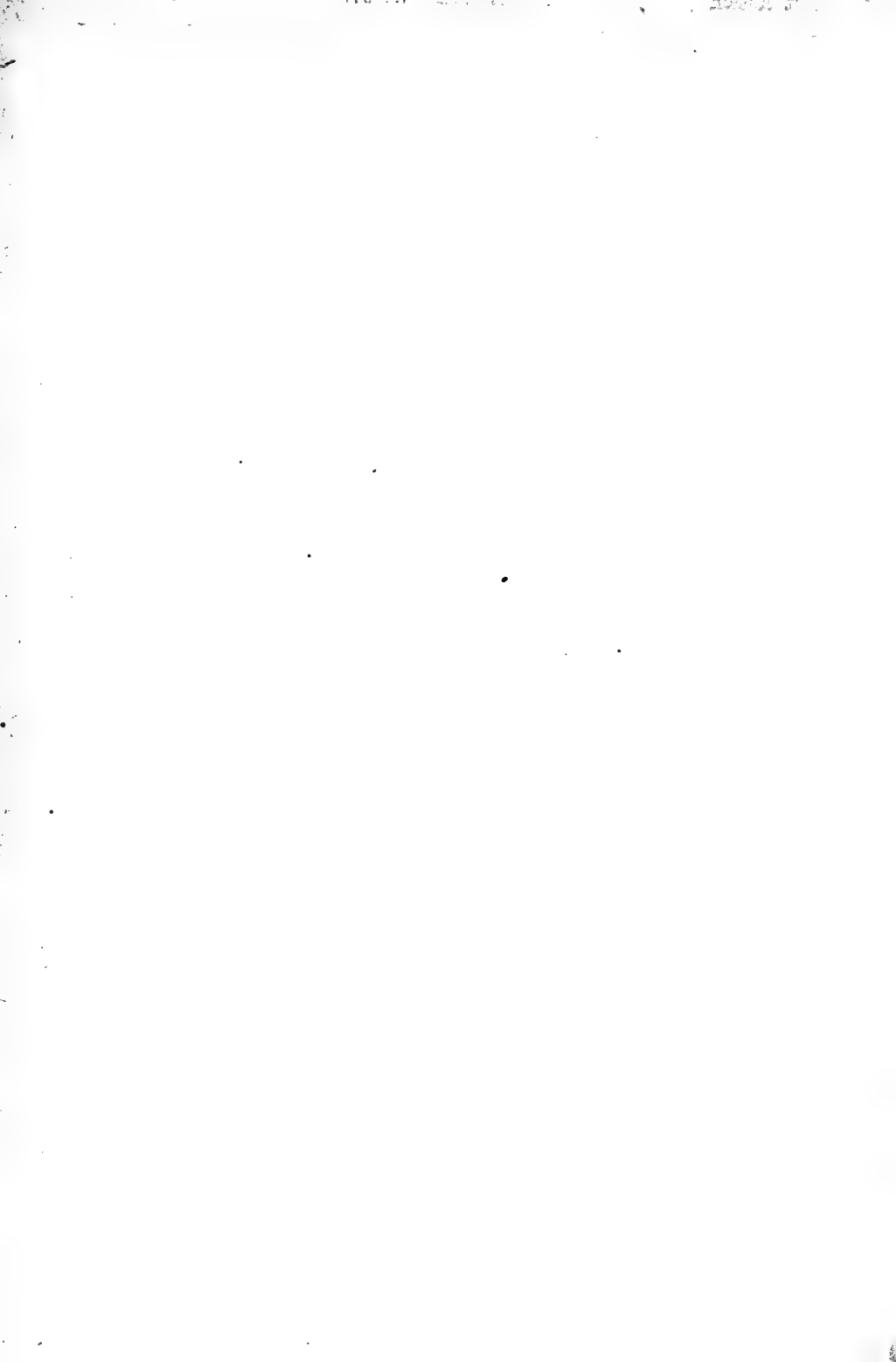
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## A BILL

For an act making appropriation in aid of the Illinois Horticultural Society.

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SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General*  
2 *Assembly, That there be appropriated for the use of the Illinois State Horticultural*  
3 *Society the sum of two thousand dollars (\$2,000) per annum for the years 1879 and*  
4 *1880, to be expended by said society, for the purpose and in the manner specified in*  
5 *"An act to re-organize the Illinois State Horticultural Society" approved March 24,*  
6 *1874.*





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(In House.)

1. Reported from Senate April 19, 1879.
2. First reading April 19, and ordered to second reading.

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**A BILL**

For an act making appropriation in aid of the Illinois Horticultural Society.

---

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General*  
2 *Assembly,* That there be appropriated for the use of the Illinois State Horticultural  
3 Society the sum of two thousand dollars (\$2000) per annum, for the years 1879 and  
4 1880, to be expended by said society for the purpose and in the manner specified in  
5 "An Act to reorganize the Illinois State Horticultural Society," approved March 24,  
6 1874.



1. Introduced by Mr. Cheaney, January 16, 1879, and ordered to first reading.
2. First reading January 16, 1879, and referred to Committee on Judicial Department.
3. Reported back, passage recommended, and ordered to second reading January 30, 1879.

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## A BILL

For an act to amend Section one of an act entitled "An act to revise the law in relation to the partition of real estate," approved February 9, 1874.

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SECTION 1. *Be it enacted by the people of the State of Illinois represented in the General Assembly,* That Section one of an act entitled "An act to revise the law in relation to the partition of real estate," approved Februrry 9, 1874, be amended so as to read :

§ 1. "That when land, tenements or hereditaments are held in joint tenancy or coparany, whether such right or title is derived by purchase, devise or descent, or whether any or all of the claimants are minors or of full age, any one or more of the persons interested therein, may compel a partition thereof by bill in chancery as heretofore, or by petition in the Circuit Court or County Court, for probate purposes sitting, of the proper county, or if the proceeding is in the County of Cook, in the Circuit Court or Superior Court of said county.

100-1000

REPLY-100-01

31-1-1000

1. Introduced by Mr. Bent, January 16, 1879, and ordered to first reading.
2. First reading January 16, 1879, and referred to Committee on Corporations.
3. Reported back, passage recommended, and ordered to second reading January 22, 1879.

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## A BILL

For an Act to amend Section one of an act entitled "An Act concerning Corporations," approved April 18, 1872; in force July 1, 1872.

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SECTION 1. *Be it enacted by the people of the State of Illinois represented in the General Assembly, That Section one of an act entitled "An Act concerning Corporations," approved April 18, 1872, be and the same is hereby amended so as to read as follows:*

*"That corporations may be formed in the manner provided by this act, for any lawful purpose except banking, insurance, real estate, brokerage, the operation of railroads, and the business of loaning money; Provided, That horse and dummy railroads and organizations for the purchase and sale of real estate for burial purposes, may be organized and conducted under the provisions of this act; And provided further, that corporations formed for the purpose of constructing railroad bridges shall not be held to be railroad corporations."*

## JUL 8 A

[illegible]

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( In House.)

1. Reported from Senate, Jan. 31, 1879.
2. First reading Feb. 8, 1879, and referred to Committee on Corporations.
3. Reported back, passage recommended, and ordered to second reading February 12, 1879.

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## A BILL

For an Act to amend section one (1) of an act entitled, "An act concerning Corporations," approved April 18, 1872; in force July 1, 1872.

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SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That section one of an act entitled, "An act concerning Corporations," approved April 18, 1872; in force July 1, 1872, be and the same is hereby amended so as to read as follows :

"That corporations may be formed in the manner provided by this act, for any lawful purpose except banking, insurance, real estate, brokerage, the operation of railroads, and the business of loaning money: *Provided*, that horse and dummy railroads and organizations for the purchase and sale of real estate for burial purposes, may be organized and conducted under the provisions of this act: *And, provided, further*, that corporations formed for the purpose of constructing railroad bridges shall not be held to be railroad corporations."





1. Introduced by Mr. Herdman January 16, 1879, and ordered to a first reading.
2. First reading January 16, 1879, and referred to the Committee on Judicial Department.
3. Reported back with amendments, passage recommended, and ordered to second reading January 30, 1879.

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**AMENDMENT TO SENATE BILL No. 64, REPORTED FROM THE COMMITTEE ON  
JUDICIAL DEPARTMENT.**

Section two, strike out the words "ten dollars" and insert in lieu thereof the words

2 "eight dollars."

---

**A BILL**

For an act to authorize the Judges of the Circuit Courts, and the Judges of the Superior Court of Cook county, to appoint Stenographers for the taking and preservation of evidence, and to provide for the compensation.

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SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the several Judges of the Circuit Courts in this State, and the several Judges of the Superior Court of Cook county, be and they are hereby authorized to appoint a Stenographer for their respective courts whenever in their judgment the same may be necessary, whose duty shall be as hereinafter specified. The Stenographer so appointed shall hold his position during the approbation of the Judge appointing him; *Provided,* however, That in case of the absence or disability of the stenographer so appointed, the said Judge may appoint any other stenographer to act in his place, during such absence or disability.

§ 2. The said stenographer shall attend in person at each term of the Court for which he is appointed, and take full stenographic notes of the evidence and proceedings (except the arguments of counsel) in all trials in said court, when required by the Judge thereof, and one or more transcripts of the same, if desired by either party to the suit or by their attorney, or by the Judge of the court, to forthwith fairly and correctly make and furnish to the party so desiring it. The compensation of the stenographer for taking such stenographic notes shall be fixed by the Judge appointing him, at any sum not exceeding eight dollars per day for each day's attendance on the term of the Court. The Judge of the Court shall furnish to said Stenographer at the close of each term of Court, a certificate showing the amount of *per diem* due him, and upon the presentation thereof to the County Treasurer of the proper county, said Treasurer shall pay the same out of any funds of such county in his hands. Said Stenographer shall be allowed to charge not to exceed fifteen cents per one hundred words for making and furnishing transcripts of said stenographic notes, to be paid in the first instance by the party on whose behalf such transcript is ordered, and allowed and taxed as costs in the suit against the unsuccessful party or parties thereto, and the transcript when furnished to the party ordering it, shall be filed and remain with the papers in the case for the use of all parties interested. The said stenographic reporter shall attach to said transcript his affidavit stating that the same is a correct copy of his notes, and also showing the cost thereof; *Provided*, however, That when the Judge shall of his own motion order a transcript of said stenographer's notes as here- in provided, he may direct the payment of the charges therefor and the taxation of the same as costs in such manner as to him may seem just.

§ 3. The said stenographer shall have full power to take and certify depositions in the counties for which they are respectively appointed, and receive therefor the same, at rate of compensation as is or may be allowed by law to Notaries Public for the like services.

1. Introduced by Mr. Hardman Jan. 16, 1879, and ordered to a first reading.
2. First reading January 16, 1879, and referred to the Committee on Judicial Department.
3. Reported back, with amendments, passage recommended, and ordered to second reading Jan. 30, 1879.
4. Feb. 7, second reading, amendments ordered to third reading.

## A BILL

For an act to authorize the Judges of the Circuit Courts, and the Judges of the Superior Court of Cook County, to appoint Stenographers for the taking and preservation of evidence, and to provide for the compensation.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the several Judges of the Circuit Courts in this State, and the several Judges of the Superior Court of Cook County, be and they are hereby authorized to appoint a Stenographer for their respective courts whenever in their judgment the same may be necessary, whose duty shall be as hereinafter specified. The Stenographer so appointed shall hold his position during the approbation of the Judge appointing him: *Provided, however,* that in case of the absence or disability of the Stenographer so appointed, the said Judge may appoint any other Stenographer to act in his place, during such absence or disability.

§ 2. The said Stenographer shall attend in person at each term of the Court for which he is appointed, and take full stenographic notes of the evidence and proceedings (except the arguments of counsel) in all trials in said court, when required by the Judge thereof, and one or more transcripts of the same, if desired by either party to the suit or by their attorney, to forthwith fairly and correctly make and furnish to the party so desiring it. The compensation of the Stenographer for taking such stenographic notes shall be fixed by the Judge appointing him, at any sum not exceeding five dollars per day for each day's attendance on the term of the Court. The Judge of the Court shall furnish to said Stenographer at the close of each term of Court a cer-

10 tificate showing the amount of *per diem* due him, and upon the presentation thereof to  
11 the County Treasurer of the proper county, said Treasurer shall pay the same out of  
12 any funds of such county in his hands. Said Stenographer shall be allowed to charge  
13 not to exceed ten cents per one hundred words for making and furnishing transcripts of  
14 said stenographic notes, to be paid in the first instance by the party on whose behalf  
15 such transcript is ordered, and allowed and taxed as costs in the suit against the un-  
16 successful party or parties thereto, and the transcript when furnished to the party or-  
17 dering it, shall be filed and remain with the papers in the case, for the use of all par-  
18 ties interested. The said stenographic reporter shall attach to said transcript his affi-  
19 davit stating that the same is a correct copy of his notes, and also showing the cost  
20 thereof.

§ 3. The said Stenographer shall have full power to take and certify depositions in  
2 the counties for which they are respectively appointed, and receive therefor the same  
3 rate of compensation as is or may be allowed by law to Notaries Public for the like  
4 services.

1. Introduced by Mr. Archer January 17, 1879, and ordered to first reading.
2. First reading January 17, 1879, and referred to Committee on Appropriations.
3. Reported back, passage recommended, and ordered to second reading February 20, 1879.

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### A BILL

For an act to make further appropriations for payment of the *per diem* and traveling expenses of the Committee to investigate damages caused by the construction of the dams at Henry on the Illinois River, and at New Haven on the Little Wabash River appointed by joint resolution of the 30th General Assembly of this State.

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WHEREAS, the Legislature of this State, by joint resolution of the Thirtieth General Assembly did appoint a commission consisting of three members of the House of Representatives and two of the Senate, whose duty it was made by said resolution to investigate and report to the present General Assembly all claims for damages caused by the construction of the dam at Henry on the Illinois River and at New Haven on the Little Wabash River; and,

WHEREAS, by authority of said resolution, William R. Archer and Chester P. Davis of the Senate and Frank N. Tice, Samuel S. Jack and William R. Wilkinson, of the House, were, by the President of the Senate and Speaker of the House, respectively, appointed said Commission; and,

WHEREAS, said Commission, under and by authority of said resolution, have performed the duties enjoined upon them and made their report within the time limited thereby; and,

WHEREAS, there is now due to said Commission, for their *per diem* and traveling expenses in performing the duties required of them, as follows, to-wit:

16	To William R. Archer.....	\$350 90
17	To Chester P. Davis.....	344 70
18	To Frank N. Tice.....	340 70
19	To Samuel S. Jack.....	340 65
20	To William R. Wilkinson.....	360 85
21	And to Albert Emerson.....	32 10
22	To John C. Youngken.....	24 64
23	To Elhanon Fisher.....	327 15
24	as Clerks of said Commission, as certified by the chairman thereof, and by the Presi-	
25	dent of the Senate and the Speaker of the House respectively; therefore,	

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That there be and is hereby appropriated to William R. Archer the sum of three hundred and fifty dollars and ninety cents (\$350.90), to Chester P. Davis the sum of three hundred and forty-four dollars and seventy cents (\$344.70), to Frank N. Tice the sum of three hundred and forty dollars and seventy cents (\$340.70), to Samuel S. Jack the sum of three hundred and forty dollars and sixty-five cents (\$340.65), to William R. Wilkinson the sum of three hundred and sixty dollars and eighty-five cents (\$360.85), to Albert Emerson the sum of thirty-two dollars and ten cents (\$32.10), to John C. Youngken the sum of twenty-four dollars and sixty-four cents (24.64) and to Elhanon Fisher the sum of three hundred and twenty-seven dollars and fifteen cents (\$327.15) for their services and expenses in executing said commission and that the same be paid out of any money in the treasury not otherwise appropriated.

§ 2. The Auditor of Public Accounts is hereby authorized and required to draw his warrants on the treasury for the said sums, respectively, in favor of the persons aforesaid.

WHEREAS, said amounts, respectively, have long since been due, and are now unpaid, therefore an emergency exists, and this act shall take effect and be in force from and after its passage.



18	To Frank N. Tice	-	-	-	-	-	-	-	340 70
19	To Samuel S. Jack	-	-	-	-	-	-	-	340 65
20	To William R. Wilkinson	-	-	-	-	-	-	-	360 85
21	And to Albert Emerson	-	-	-	-	-	-	-	32 10
22	And to John C. Youngken	-	-	-	-	-	-	-	24 64
23	And to Elhanon Fisher	-	-	-	-	-	-	-	227 15
24	as clerks of said commission, as certified by the chairman thereof, and by the President								
25	of the Senate and Speaker of the House, respectively; therefore,								

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That there be and is hereby appropriated to William R. Archer the sum of three hundred and fifty dollars and ninety cents (\$350.90), to Chester P. Davis the sum of three hundred and forty-four dollars and seventy cents (\$344.70), to Frank N. Tice the sum of three hundred and forty dollars and seventy cents (\$340.70), to Samuel S. Jack the sum of three hundred and forty dollars and sixty-five cents (\$340.65), to William R. Wilkinson the sum of three hundred and sixty dollars and eighty-five cents (\$360.85), to Albert Emerson the sum of thirty-two dollars and ten cents (\$32.10), to John C. Youngken the sum of twenty-four dollars and sixty-four cents (\$24.64), and to Elhanon Fisher the sum of three hundred and twenty-seven dollars and fifteen cents (\$327.15), for their services and expenses in executing said commission and that the same be paid out of any money in the treasury not otherwise appropriated.*

§ 2. *The Auditor of Public Accounts is hereby authorized and required to draw his warrants on the treasury for the said sums, respectively, in favor of the persons aforesaid.*

*WHEREAS, Said amounts, respectively, have long since been due, and are now unpaid, therefore an emergency exists, and this act shall take effect and be in force from and after its passage.*



1. Introduced by Mr. Archer, January 17, 1879, and ordered to first reading.
2. First reading January 17, 1879, and referred to Committee on Judiciary.
3. Reported back January 29, passage recommended, and ordered to second reading January 29.

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## A BILL

For an act to amend sections ten and twenty-five of an act entitled "An act to revise the law in relation to replevin," approved February 9, 1874; in force July 1, 1874.

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SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That sections ten and twenty-five of an act entitled "An act to revise the law in relation to replevin," approved February 9, 1874; in force July 1, 1874, be and the same are hereby amended so as to read as follows:

§ 10. Before the execution of any writ of replevin, the plaintiff, or some one on his behalf, shall give to the Sheriff, Constable or other officer, bond with sufficient security in double the value of the property about to be replevied, conditioned that he will prosecute such suit to effect and without delay and make return of the property, if return thereof shall be awarded, and save and keep harmless such Sheriff, Constable or other officer, as the case may be, in replevying such property; and further conditioned for the payment of all costs and damages occasioned by wrongfully suing out said writ of replevin.

§ 25. If at any time the condition of the bond required by section 10 of this act shall be broken, the Sheriff, Constable or other officer or plaintiff, in the name of the Sheriff to his own use, as the case may be, may sue and maintain an action on such bond, for the recovery of all such damages and costs as may have been sustained in consequence of the breach of such condition.

Jan. 1878.

SENATE--No. 67.

31st Jan. 1878.

1. Introduced by Mr. Archer, January 17, 1879, and ordered to first reading.
2. First reading January 17, 1879, and referred to Committee on Judiciary.
3. Reported back January 29, passage recommended, and ordered to second reading January 29.
4. January 31, amended and ordered to third reading.

## A BILL

For an Act to amend sections ten and twenty-five of an act entitled "An act to revise the law in relation to replevin," approved February 9, 1874; in force July 1, 1874.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly, That Sections ten and twenty-five of an act entitled "An act to revise the law in relation to replevin," approved February 9, 1874; in force July 1, 1874, be and the same is hereby amended so as to read as follows:*

§ 10. Before the execution of any writ of replevin, the plaintiff, or some one else on his behalf, shall give to the Sheriff, Constable or other officer, bond with sufficient security in double the value of the property about to be replevied, conditioned that he will prosecute such suit to effect and without delay and make return of the property, if return of the property shall be awarded, and save and keep harmless such Sheriff, Constable or other officer, as the case may be, in replevying such property; and further conditioned for the payment of all costs and damages occasioned by wrongfully suing out said writ of replevin. And if the sureties on such bond at any time before trial shall become insolvent, a rule nisi shall be entered requiring good and sufficient replevin bond to be filed, and if the same shall not be so filed within the time fixed by the court, the suit shall be dismissed.

§ 25. If at any time the conditions of the bond required by section 10 of this act shall be broken, the Sheriff, Constable or other officer or plaintiff, in the name of the

3 Sheriff to his own use, as the case may be, may sue and maintain an action on said  
4 bond, for the recovery of all such damages and costs as may have been sustained in  
5 consequence of the breach of such condition.

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(In House.)

1. Reported from House February 7, 1879.
2. First reading February 8, 1879, and referred to Committee on Judiciary.
3. Reported back, passage recommended, and ordered to second reading March 12, 1879.

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## A BILL

For an act to amend sections ten and twenty-five of an act entitled "An act to revise the law in relation to replevin," approved February 9, 1874; in force July 1, 1874.

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SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That sections ten and twenty-five of an act entitled "An act to revise the law in relation to replevin," approved February 9, 1874; in force July 1, 1874, be and the same is hereby amended so as to read as follows:

§ 10. Before the execution of any writ of replevin, the plaintiff, or some one else, on his behalf, shall give to the sheriff, constable or other officer, bond with sufficient security in double the value of the property about to be replevied, conditioned that he will prosecute such suit to effect, and without delay, and make return of the property, if return of the property shall be awarded, and save and keep harmless such sheriff, constable or other officer, as the case may be, in replevying such property; and further conditioned for the payment of all costs and damages occasioned by wrongfully suing out said writ of replevin. And if the sureties on such bond at any time before trial shall become insolvent, a rule nisi shall be entered, requiring good and sufficient replevin bond to be filed, and if the same shall not be so filed within the time fixed by the court, the suit shall be dismissed.

§ 25. If at any time the conditions of the bond required by section 10 of this act

- 3 shall be broken, the sheriff, constable or other officer or plaintiff, in the name of the
- 4 sheriff to his own use, as the case may be, may sue and maintain an action on such
- 5 bond, for the recovery of all such damages and costs as may have been sustained in
- 6 consequence of the breach of such condition.

1. Introduced by Mr. Hamilton, January 17, 1879, and ordered to first reading.
  2. First reading January 17, 1879, and referred to Committee on Judicial Department.
  3. Reported back, passage recommended, and ordered to second reading, January 30, 1879.
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## A BILL

For an Act to amend an act entitled, "An Act concerning Circuit Courts, and to fix the time for holding the same in the several counties in the Judicial Circuits in the State of Illinois, exclusive of the county of Cook," approved May 2, 1873.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly,* That paragraph fifteen of section one of an act entitled, "An Act concerning Circuit Courts, and to fix the time for holding the same in the several counties in the Judicial Circuits in the State of Illinois, exclusive of the county of Cook," approved May 2, 1873, be and the same is hereby amended so as to read as follows:

*Fourteenth Circuit.*—In the county of McLean, on the second Monday of September, first Monday of November, first Monday of February and fourth Monday of April; in the county of Ford, on the third Tuesday of August, and first Tuesday of April and December.

§ 2. For the reason that the proposed April term of said Court in McLean county occurs before the first day of next July, an emergency exists, and this act shall take effect and be in force from and after its passage.





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(In House.)

1. Reported from Senate February 21, 1879.
2. First reading February 28, 1879, and referred to Committee on Judicial Department.
3. Reported back with amendments, passage recommended, and ordered to second reading March 6, 1879.

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**Amendment to Senate Bill No. 68.**

- Amend by striking out the the title and all of section 1, down to and including the
- 2 the word "follows," and insert in lieu thereof the following: "A Bill for an act to fix
  - 3 the time for holding the Circuit Courts in the Counties of McLean and and Ford."

- 
- SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General*
- 2 *Assembly, That the Circuit Courts shall, after the taking effect of this act, be held in the*
  - 3 *Counties of McLean and Ford, as follows:*"

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**A BILL**

For an act to amend an act entitled "An Act concerning Circuit Courts, and to fix the time for holding the same in the several counties in the Judicial Circuits in the State of Illinois, exclusive of the county of Cook," approved May 2, 1873.

- 
- SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General*
- 2 *Assembly, That paragraph fifteen (15), of section one (1) of an act entitled "An Act con-*

cerning Circuit Courts, and to fix the time for holding the same in the several counties in the Judicial Circuits in the State of Illinois, exclusive of the county of Cook," approved May 2, 1873, be and the same is hereby amended so as to read as follows:

*Fourteenth Circuit.*—In the county of McLean, on the second Monday of September, first Monday of November, first Monday of February, and fourth Monday of April: in the county of Ford, on the third Tuesday of August, and first Tuesdays of April and December.

§ 2. For the reason that the proposed April term of said Court in McLean county occurs before the first day of next July, an emergency exists, and this act shall take effect and be in force from and after its passage.

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(In House.)

1. Reported to House February 21, 1879.
2. First reading February 28, 1879, and referred to Committee on Judicial Department.
3. Reported back with amendments, passage recommended as amended, and ordered to second reading March 6, 1879.
4. Second reading, amended and ordered to third reading March 13, 1879, and printed as amended.

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### A BILL

For an act to fix the time for holding the circuit courts in the counties of McLean, Ford, Fulton and Jackson.

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SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General*

1 *Assembly, That the circuit courts shall, after the taking effect of this act, be held in the*  
3 *counties of McLean, Ford, Fulton and Jackson as follows:*

4 *In the county of McLean, on the second Monday of September, first Monday of No-*  
5 *vember, first Monday of February, and fourth Monday of April; in the county of Ford,*  
6 *on the third Tuesday of August, and first Tuesdays of April and December; in the*  
7 *county of Fulton, on the third Monday of April, fourth Monday of August, and second*  
8 *second Monday of December; in the county of Jackson, on the fourth Monday of*  
9 *March, third Monday of August, and the second Monday of December.*

§ 2. *For the reason that the proposed April term of said court in McLean county*  
2 *occurs before the first day of next July, an emergency exists, and this act shall take*  
3 *effect and be in force from and after its passage.*



1. Introduced by Mr. Walker Jan. 17, 1879, and ordered to first reading.
2. First reading Jan. 17, 1879, and referred to Committee on Canals and Rivers.
3. Reported back, passage recommended, and ordered to second reading March 7, 1879.

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## A BILL

For an act to amend section one (1) of an act entitled "An Act to prevent the destruction of Fish in the State of Illinois, and to secure the unobstructed passage of Fish in all the waters of this State, wherein they were once accustomed to be found," approved March 22, 1872. In force July 1, 1872.

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SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That section one (1) of an act entitled "An Act to prevent the destruction of Fish in the State of Illinois, and to secure the unobstructed passage of Fish in all the waters of this State wherein they were once accustomed to be found," approved March 22, 1872, in force July 1, 1872, be amended so as to read as follows :*

SECTION 1. That no person shall place, erect or cause to be placed or erected any dam, seine, net, wire fish-dam, or other obstruction in or across any of the rivers, creeks, streams, ponds, lakes, sloughs, bayous or other water courses wholly within this State, or in that part of such stream or water course wholly within this State, in such manner as shall hinder or obstruct the free passage of fish up or down or through such waters or water courses; and that from and after the adoption of this act it shall be unlawful for any person to use any seine or net for the purpose of catching fish, except minnows, in any of the waters of this State, the meshes of whose seine is less than one and one-half inches: *Provided, that it shall be unlawful for any person to catch or*

- 10 take any fish other than small fish for bait, with any net, seine, wire basket, trap or
- 11 any other device whatever, except with a hook and line or spear, within one-half mile
- 12 of any dam constructed across any of the rivers of this State.

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(In House.)

1. Reported to House May 3, 1879.
2. First reading May 5, and referred to Committee on Fish and Game.
3. Reported back with amendments, passage recommended and ordered to second reading, May 7.

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Amendments to Senate Bill No. 69, offered by the Committee on Fish and Game

April 7, 1879.

- Amend by striking out in the second and third lines, on second page, the words "one  
2 and one-half," and insert therefor the word "two."  
3 Also, amend by inserting in the last line on page two, after the word "rivers," the  
4 words "or creeks."

W. B. TAYLOR, Clerk.

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### A BILL

For an Act to amend section one (1) of an act entitled "An Act to prevent the destruction  
of Fish in the State of Illinois, and to secure the unobstructed passage of Fish in all  
the waters of this State, wherein they were once accustomed to be found," approved  
March 22, 1872; in force July 1, 1873.

- 
- SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General*  
2 *Assembly, That section one (1) of an act entitled "An Act to prevent the destruction of*  
3 *Fish in the State of Illinois, and to secure the unobstructed passage of Fish in all the*





1. Introduced by Mr. Riddle Jan. 17, 1879, and ordered to first reading.
2. First reading Jan. 17, 1879, and referred to Committee on Judiciary.
3. Reported back with Amendments, Passage Recommended, and ordered to second reading January 29, 1879.

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Amendment to Senate Bill No. 73 reported from Committee on Judiciary, amended by striking all after the word of including the figures 1874, and inserted in lieu thereof, the words "An Act entitled an act in regard to practice in Courts of record in force July 1st 1872."

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### A BILL

For An Act to amend Section 85 of Chapter 110 of the Revised Statutes of 1874.

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SECTION 1. *Be it enacted by the people of the State of Illinois represented in the General Assembly,* That Section 85 of Chapter 110 of the Revised Statutes of 1874, be and is hereby so amended as to read as follows:

SECTION 85. A writ of error shall not be brought after the expiration of two years from the rendition of the decree or judgment complained of, *Provided*, that as to all decrees and judgments rendered prior to the first day of July, in the year one thousand eight hundred and seventy-nine, such writ may be brought at any time within two years from said date, and within five years from the date of the entry thereof; and *Provided*, further, that when any party thinking himself aggrieved by any decree or judgment that may be reversed in the Supreme Court; or the Appellate Court, shall be an infant, *non compos mentis*, or under duress, when the same was entered, the time of such disability shall be excluded from the computation of the said five years.

1. Introduced by Mr. Riddle January 17, 1879, and ordered to first reading.
2. First reading January 17, 1879, and referred to Committee on Judiciary.
3. Reported back with Amendments, passage recommended, and ordered to second reading January 29, 1879.
4. January 31, 1879, amendment adopted and ordered to third reading.

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### A BILL

For an act to amend section eighty-five (85) of an act entitled "An act in regard to practice in Courts of Record;" in force July 1, 1872.

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SECTION 1. *Be it enacted by the People of the State of Illinois, in General Assembly represented,* That Section eighty-five (85) of an act entitled "An act in regard to practice in Courts of Record;" in force July 1, 1872, be and is hereby so amended as to read as follows:

§ 85. A writ of error shall not be brought after the expiration of two years from the rendition of the decree or judgment complained of; *Provided*, that as to all decrees and judgments rendered prior to the first day of July, in the year one thousand eight hundred and seventy-nine, such writ may be brought at any time within two years from said date, and within five years from the date of entry thereof; *And provided further*, that when any party thinking himself aggrieved by any decree or judgment that may be reversed in the Supreme Court, or the Appellate Court, shall be an infant *non compos mentis*, or under duress, when the same was entered, the time of such disability shall be excluded from the computation of the said five years."

1. Introduced by Mr. ARTLEY, Jan. 17, 1879, and ordered to First Reading.
2. First Reading Jan. 17, 1879, and referred to Committee on Miscellaneous.
3. Reported back with amendment, passage recommended and ordered to Second Reading Feb. 25, 1879.

AMENDMENTS TO SEC. 2, SENATE BILL NO. 77, By Committee on Miscellaneous.

1 Amend section 2 so that it read as follows: It shall be unlawful for any pawn-  
2 broker as herein provided, to charge or collect a greater benefit or percentage upon  
3 money advanced, and for the use and forbearance thereof, than the rate of one per  
4 cent. per month: *Provided*, the person so pledging or pawning such property shall  
5 redeem the same within thirty days from the date of pledging said property. And  
6 it shall be unlawful for any pawnbroker to charge more than two per cent. for every  
7 thirty days thereafter; or to charge for any longer time than the said pawnor or  
8 pledger of any property shall retain the money loaned or advanced on such pledge  
9 or property, over and above said thirty days: *Provided*, That nothing herein shall  
10 be construed so as to conflict with the law pertaining to usury; and the person re-  
11 ceiving money so advanced shall not be held to pay storage, insurance or other  
12 charges other than the interest as herein provided.

## A BILL

For an Act to provide for the regulation of Pawnbrokers.

SECTION 1. *Be it enacted by the People of the state of Illinois represented in the General Assembly,*

2 That every person or company engaged in the business of receiving property in  
3 pledge or as security for money or other thing advanced to the pawnor or pledger,  
4 shall be held and is hereby declared and defined to be a pawnbroker.

§ 2. It shall be unlawful for any pawnbroker as herein provided to charge or col-  
2 lect a greater benefit or percentage upon money advanced and for the use and for-  
3 bearance thereof than the rate of three per cent. per month: *Provided*, That nothing  
4 herein shall be construed so as to conflict with the law pertaining to usury, and the

5 person receiving money so advanced shall not be held to pay storage, insurance or  
6 other charges other than interest as herein provided.

§ 3 Every such pawnbroker shall hold possession and retain the title to all pro-  
2 perty received in pledge for all advances made thereon, for at least twelve months  
3 from the time when such property was received by such pawnbroker, and it shall be  
4 lawful for any pledger or pawnor to redeem such property so pledged or pawned  
5 with such pawnbroker at any time within said twelve months, notwithstanding an  
6 express or implied contract to the contrary.

§ 4 Every pawnbroker who shall be found guilty of a violation of the provisions  
2 of this act shall for the first offense be fined a sum not less than twenty dollars nor  
3 more than one hundred dollars, and for each subsequent offense, not less than fifty  
4 dollars nor more than two hundred dollars, or imprisonment in the county jail not  
5 exceeding thirty days, or either or both in the discretion of the court: *Provided*, that  
6 this act shall not be so construed as to in anywise impair the power of cities or vil-  
7 lages in this state to license, tax, regulate, suppress and prohibit pawnbrokers, as now  
8 provided by law.

1. Introduced by Mr. Artley Jan. 17, 1879, and ordered to first reading.
2. First reading Jan. 17, 1879, and referred to Committee on Miscellany.
3. Reported back with amendment, passage recommended, and ordered to second reading Feb. 25, 1879.
4. March 22, 1879, second reading, amended, and ordered to third reading.

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## A BILL

For an act to provide for the regulation of Pawnbrokers.

---

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly,* That every person or company engaged in the business of receiving property in pledge or as security for money or other thing advanced to the pawner or pledger, shall be held and is hereby declared and defined to be a pawnbroker.

§ 2. It shall be unlawful for any pawnbroker as herein provided to charge or collect a greater benefit or percentage upon money advanced and for the use and forbearance thereof than the rate of one per cent. per month: *Provided,* the person so pledging or pawning such property shall redeem the same within thirty days from the date of pledging said property. And it shall be unlawful for any pawnbroker to charge more than two per cent. for every thirty days thereafter; or to charge for any longer time than the said pawner or pledger of any property shall retain the money loaned or advanced on such pledge or property, over and above said thirty days: *Provided,* that nothing herein shall be construed so as to conflict with the law pertaining to usury; and the person receiving money so advanced shall not be held to pay storage, insurance or other charges other than interest as herein provided.

§ 3. Every such pawnbroker shall hold possession and retain the title to all property received in pledge for all advances made thereon, for at least twelve months from the time when such property was received by such pawnbroker, and it shall be lawful for any pledger or pawner to redeem such property so pledged or pawned with such paw-

broker at any time within said twelve months, notwithstanding an express or implied contract to the contrary.

§ 4. Every pawnbroker who shall be found guilty of a violation of the provisions of this act shall for the first offense be fined a sum not less than twenty dollars nor more than one hundred dollars, and for each subsequent offense, not less than fifty dollars nor more than two hundred dollars, or imprisonment in the county jail not exceeding thirty days, or either or both, in the discretion of the court: *Provided*, that this act shall not be so construed as to in anywise impair the power of cities and villages in this State to license, tax, regulate, suppress and prohibit pawnbrokers, as now provided by law.

1. Introduced by Mr. Dearborn, January 17, 1879, and ordered to first reading.
2. First reading January 17, 1879, and referred to the Committee on Agriculture and Drainage.
3. Reported back and ordered to second reading, and 600 copies ordered printed, January 22, 1879.

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## A BILL

For an Act to provide for the construction, reparation and protection of drains, ditches and levees, across the lands of others, for agriculture and sanitary purposes, and to provide for the organization of drainage districts.

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SECTION 1. *Be it enacted by the people of the State of Illinois represented in the General*

- 2 *Assembly, That the county courts of the several counties of this State, shall have pow-*  
3 *er and jurisdiction to organize and establish drainage districts at any regular probate*  
4 *term thereof as hereinafter provided.*

- § 2. Whenever a petition signed by a majority of the owners of land within a dis-  
2 trict proposed to be organized, who shall have arrived at lawful age and who shall al-  
3 so be the owners of a majority of the lands, situated in such district, shall, desire to  
4 construct a drain or drains, ditch or ditches, levee or levees, or other work, across the  
5 lands of others, for agricultural or sanitary purposes, or to maintain and keep in re-  
6 pair any such drain or drains, ditch or ditches, levee or levees, heretofore constructed  
7 under any law of this State, for the same purposes such persons may file in the county  
8 court of any county in or through which the greater part of said drain or drains, ditch  
9 or ditches, levee or levees, or other work shall be proposed to be constructed, main-  
10 tained or repaired, setting forth the necessity of the same, with a description of its or  
11 their proposed starting points route, and terminons, and if the purpose of said owners,  
12 is the repair and maintainance of a levee or levees or other work heretofore con-  
13 structed under any law of this State, said petition shall give a general description of  
14 the same with such particulars as may be deemed important and may pray for the or-

15 ganization of a drainage district by some name and proposed boundaries, and for the  
16 appointment of Commissioners for the execution of such proposed work according to  
17 the provisions of this act.

§ 3. Such petition being filed, the Clerk of said County Court shall cause three weeks  
2 notice of the presentation and filing of such petition, to be given by posting notices  
3 thereof, in at least three of the most public places in said proposed district, in which  
4 said work is to be done, and also by publishing a copy thereof at least once a week for  
5 three successive weeks in some newspaper or newspapers published in each county,  
6 from which any part of said district is proposed to be formed. Such notices shall  
7 state when and in what Court said petition was and is filed, the starting point, route,  
8 termini, and general description of the proposed route, the boundaries and name of  
9 the proposed drainage district and at what term of the said Court the petitioners will  
10 ask a hearing on such petition, and the certificate of said clerk or the affidavits of oth-  
11 ers affixed to a copy of said notices, shall be sufficient evidence of the posting and pub-  
12 lication of said notices.

§ 4. The County Court in which such petition shall be filed may hear the petition  
2 at any probate term and may determine all matters pertaining thereto under this act  
3 and may adjourn the hearing from time to time or continue the case for the want of  
4 sufficient notice or other good cause.

§ 5. On the hearing of any petition filed under the provisions of this chapter all  
2 parties through or upon whose land any of the proposed work may be constructed, or  
3 whose lands may be damaged or benefitted thereby, may appear and contest the neces-  
4 sity or utility of the proposed work or any part thereof, and the contestants and peti-  
5 tioners may offer any competent evidence in regard thereto. It shall be the duty of  
6 the Court to hear and determine whether or not the said petition contains the signa-  
7 tures of a majority of the owners of lands within said proposed district who are of  
8 lawful age and are the owners of the major part of the lands within said district to be  
9 affected by such proposed work, and the affidavit of any three or more of the sign-  
10 ers of said petition that they have examined said petition and are acquainted with the  
11 locality of said district and that they believe the said petition is signed by a majority  
12 of such owners who are of lawful age and who own the major part of the lands with-  
13 in such district, to be so affected may be taken by the Court as *prima facie* evidence of



14 the facts therein stated or the oath or affirmation before said Court or the affidavit of  
 15 any person, property taken and certified by any person or court authorized to take  
 16 acknowledgements of deeds to real estate in this State, giving the age of such party  
 17 and his or her ownership of lands to be named in such oath, affirmation or affidavit  
 18 by proper description shall be sufficient evidence to the Court of such facts: *Provided*,  
 19 That all deeds made for the purpose of establishing or defeating the prayer of said pe-  
 20 tition not made in good faith and for a valuable consideration shall be taken and held  
 21 to be in fraud of the provisions of this act and the holders thereof shall not be con-  
 22 sidered as owners thereof.

23 If the Court after hearing any and all competent evidence that may be offered be-  
 24 fore it for and against the said petition shall find that the same has not been signed by  
 25 a majority of the land owners as hereinbefore required, the said petition shall be dis-  
 26 missed at the cost of the petitioners, but if the Court shall find that the petition has  
 27 been signed by land owners constituting and possessing such majorities the Court  
 28 shall so find, and such finding shall be conclusive upon the land owners of such dis-  
 29 trict that they have assented to and accepted the provisions of this act and to the as-  
 30 sessments of benefits and damages that may be made thereunder for the purpose afore-  
 31 said, and if it shall further appear to the Court that the proposed drain or drains,  
 32 ditch or ditches, levee or other works is, or are necessary or will be useful for the drain-  
 33 age of the lands proposed to be drained thereby for agricultural and sanitary purposes  
 34 the Court shall so find, and appoint three competent persons as Commissioners to lay  
 35 out and construct such proposed work. In case the lands to be drained shall be situ-  
 36 ated in different counties, not more than two of the commissioners shall be chosen  
 37 from any one of such counties. If the Court shall find against the petitioners, the pe-  
 38 tition shall be dismissed at the cost of the petitioners.

§ 6. Before entering upon the duties of their office, such commissioners shall take  
 2 and subscribe an oath faithfully to discharge the duties of their office, without  
 3 favor or partiality, and to render a true account of their doings to the Court, by which  
 4 they are appointed, whenever required by law or by the order of the Court.

§ 7. They shall elect one of their number Chairman, and may elect one of their  
 2 number, or some other person, as Secretary.

§ 8. A majority of the commissioners shall constitute a quorum, and a concurrence

2 of a majority of their number in any matter within their duties, shall be sufficient.

3 § 9. As soon as may be after their appointment, or within such time as the Court  
4 may direct, the commissioners shall examine the land of the petitioners proposed to be  
5 drained or protected, and the lands over or upon which the work is proposed to be con-  
6 structed, and determine:

7 *First.* Whether the starting point route and terminus of the proposed work and  
8 the proposed location thereof, is or are in all respects proper and feasible, and if not,  
9 what is or are so.

10 *Second.* The probable cost of the proposed work, including all incidental expenses,  
11 and the cost of the proceeding therefor.

12 *Third.* The probable annual costs of keeping the same in repair after the work is  
13 completed.

14 *Fourth.* What lands will be injured thereby, and the probable aggregate amount of  
15 all damages such lands will sustain by reason of the laying out and construction of said  
16 work.

17 *Fifth.* What lands will be benefitted by the construction of the proposed work, and  
18 whether the aggregate amount of benefits will equal or exceed the cost of constructing  
19 such work, including all incidental expenses and costs of proceeding.

20 *Sixth.* Whether the proposed district as set out in the petition filed, will embrace  
21 all the lands that may be damaged or benefitted by the proposed work, and if not, to  
22 report what additional lands will be so affected.

23 *Seventh.* In case the prayer of the petition is for the purpose of repairing and main-  
24 taining a levee or levees heretofore constructed under any law of this State, it shall be  
25 the duty of the commissioners to examine the said levee or levees, and the lands inten-  
26 ded to be reclaimed thereby, and to report to the Court.

27 *First.* Whether, in their opinion, said levee or levees can, with proper repairs, be  
28 made sufficient to protect permanently said lands from overflow from high water.

29 *Second.* The probable annual expense of keeping the same in such repair.

30 *Third.* What lands will be benefitted thereby, and the probable aggregate amount of  
such benefits.

*Fourth.* Whether the aggregate annual amount of benefits will equal or exceed the

31 annual costs of such repairs, including all incidental expense and costs of the proceed-  
32 ing, and,  
33 *Fifth.* Whether the proposed district will embrace all the lands that may be benefit-  
34 ted by the maintainance of such levee, and if not, to report what additional lands will  
35 be so affected, which report shall be filed with the Clerk of said Court.

§ 10. If the commissioners shall find that such costs and expenses are more than  
2 equal to the benefits, there will be bestowed upon the land to be benefitted, they shall  
3 so report, and the proceedings shall be dismissed at the cost of the petitioners.

§ 11. If the commissioners shall find that the proposed work, or such portion of the  
2 same as will be satisfactory to the petitioners, can be done at a cost and expense not  
3 exceeding such benefits, they shall proceed to have the proper surveys, profiles, plans  
4 and specifications thereof made, and shall report their conclusions and a copy of such  
5 surveys, profiles, plans and specifications, to the Court which appointed them.

§ 12. The commissioners shall not be confined to the point of commencement, route,  
2 or terminus of the drains or ditches, or to the number, extent or size of the same, or the  
3 location, plan or extent of any levee or other work to that proposed by the petitioners,  
4 but shall locate, design, lay out and plan the same in such manner as they shall think  
5 will drain or protect the petitioners' land with the least damage, and greatest benefit  
6 of all lands to be affected thereby; and any plans proposed by such commissioners  
7 may, on the application of any person interested, or of the commissioners, be altered  
8 upon the order of the Court, in such manner as shall appear to the Court to be just.

§ 13. Upon the report of the commissioners being filed with the Clerk of the Court  
2 appointing such commissioners, he shall cause notice to be given in the same manner  
3 as is provided in section three of this chapter, which notice shall state the time of filing  
4 such report, and upon what day application will be made for the confirmation of such  
5 report, at which time all persons interested, may appear and contest the confirmation  
6 thereof, or that the same ought to be modified in any particular, and may offer any  
7 competent evidence in support thereof.

§ 14. If upon the hearing, the Court shall be of opinion that the objections are not  
2 well taken, or if no objection shall be made, it shall order the confirmation thereof. If  
3 it shall appear that the same ought to be modified, and the Court shall be sufficiently  
4 informed in the premises, it shall modify the same to conform to the equities in the

5 premises; or if not sufficiently informed, it shall order the commissioners to review and  
6 correct their report, and may make specific directions in what respect they shall reform  
7 their report. And the Court may make all necessary orders in the premises, either for  
8 the continuance of the hearing or other lawful purpose.

§ 15. If the report is referred back to the commissioners for amendment, the Court  
2 may fix a day when the commissioners shall again present their report, in which case  
3 the hearing shall stand adjourned to that day, and no further notice shall be required  
4 thereof. If no day shall be fixed for such report, the cause shall be continued to the  
5 next term of Court, when it shall stand for hearing.

§ 16. If after hearing all objections, if any to the report of the commissioners, the  
2 Court shall be satisfied that the said report should be approved, the Court shall cause  
3 an order of confirmation of the same to be entered, and which order may be as follows:

4 "County Court of County Term A. D. 18

5 In the petitions of and others.

6 This day the report of commissioners heretofore appointed by this  
7 Court to examine the lands of the petitioners for the purposes specified in the petition  
8 filed in this cause, having been filed, and it appearing to the Court that due notice  
9 has been given to all persons interested, for the length of time, and in the manner re-  
10 quired by law, of the application to this Court for the confirmation of said report, and  
11 the Court having duly examined said report and considered all objections to the same  
12 —it is ordered by the Court that the report of said commissioners (or if said report has  
13 been modified by the Court) say "as modified by the Court," be, and the same is hereby  
14 confirmed; and the Court further finds that the work proposed in said petition to be  
15 done, will be useful for agricultural and sanitary purposes to the owners of lands with-  
16 in said proposed district, and the Court also finds that the persons who have signed  
17 said petition, are of lawful age, are a majority of the owners of lands within the district  
18 here-in-after named, and are the owners of the major part of the lands within said dis-  
19 trict to be affected by such proposed work.

20 It is therefore ordered that the district as defined and described in said confirmed re-  
21 port be known as the Drainage District, and the same is hereby or-  
22 ganized as a drainage district under the drainage laws of this State by the name  
23 aforesaid. County Judge,

24 And thereupon this Court shall empanel a jury of twelve men competent to serve  
25 as jurors, who shall be sworn to faithfully and impartially perform the duties required  
26 of them to the best of their understanding and judgment, and to make their assess-  
27 ments of damages and benefits according to law; or the Court may direct that a jury  
28 be empaneled before a Justice of the Peace, for the assessments of damages and  
29 benefits, in which case the commissioners may apply to any Justice of the Peace,  
30 in the county who, shall immediately, without the formality of any written ap-  
31 plication, proceed to summons and empanel a jury of twelve men competent to serve  
32 as jurors, who shall be sworn in the same manner as is above provided in case of a jury  
33 empaneled by the Court in which the proceeding is pending, and the Justice shall  
34 enter upon his docket a minute of such proceeding before him, and the name of the  
35 jurors.

§ 17. When the proceeding is for the construction of ditches, drains, or levees,  
2 the jurors empaneled as aforesaid shall elect one of their number foreman, and shall  
3 proceed to examine the lands to be effected by the proposed work, and ascertain to  
4 the best of their ability and judgment the damages and benefits which will be sustain-  
5 ed by or will accrue to the lands to be affected by said proposed work, and shall make  
6 out an assessment roll in which shall be set down in proper columns the names of  
7 owners when known, a description of the premises affected, in words or figures or both,  
8 as shall be most convenient, the number of acres in each tract, and if damages are al-  
9 lowed, the amount of the same; and if benefits are assessed, the amount of the same;  
10 and in case damages are allowed to, and benefits assessed against the same tract of  
11 land the balance, if any, shall be carried forward to a separate column for damages or  
12 benefits as the case may be.

13 But the amount assessed for keeping said levee in repair shall not in the aggregate  
14 amount to a sum in any one year greater than would be produced by 80 cents per acre  
15 on all the lands so assessed. In all cases where the petition sets out that a levee  
16 has already been built and asks for assessments to repair and maintain it in the future,  
17 the jury shall assess the amounts which shall be necessary to repair and to keep said  
18 levee in repair annually and pay the necessary expense of the proceedings and no other  
19 assessment shall be made by said jury.

20 In case the petition shall set out that a levee has been built under any law of this

21 State and prays for assessment to repair and keep in repair said levee in the future,  
 22 the jury shall assess the benefits which said lands will sustain by repairing said levee  
 23 and also the annual amount of benefits which said lands will sustain by keeping said  
 24 levee in repair thereafter. And in such case no other or different assessments shall be  
 25 made by the jury, but in all other respects the jury shall comply with the provisions  
 26 of this act so far as the same may be applicable thereto.

§ 18. In making such assessment, the jury shall award and assess the damages and  
 2 benefits in favor of and against each tract separately, in the proportion in which such  
 3 tract of land will be damaged or benefitted; and in no case shall any tract of land be  
 4 assessed for benefits in a greater amount than its proportionate share of the estimated  
 5 cost of the work and expenses of the proceeding, nor in a greater amount than it will  
 6 be benefitted by the proposed work, according to the best judgement of the jury.

§ 19. When the jury shall have completed their assessment of damages and bene-  
 2 fits, they shall fix a time and place, when and where they will attend, in case the jury  
 3 was impanelled by the Court in which the petition was filed before the same Court at  
 4 some regular term thereafter, or if the jury was impanelled by some Justice of the  
 5 Peace, then before the same Justice, if still in office, and if not, before his successor or  
 6 any other Justice they may select for the correction of their assessment, and the com-  
 7 missioners or the jury shall give at least ten days notice of such time and place, and  
 8 object of such meeting, by posting and publishing notices as required in section three  
 9 of this chapter, prior to the time so fixed. The affidavit of any creditable person or  
 10 persons, that he or they has or have posted such notices as herein required, and the  
 11 certificate of the publishers of such newspaper, as to such publication shall be sufficient  
 12 evidence of such facts.

§ 20. The jury shall appear at the time and place appointed, and shall hear all ob-  
 2 jections that may be there and then made by the owners or occupants of any lands  
 3 which may be allowed damages or assessed for benefits, or by the commissioners, to  
 4 the allowance of damages to or assessment of benefits against any tract of land, and  
 5 shall make such corrections as shall seem to them just, and shall adjust such assessment  
 6 so as to make the same just and equitable.

§ 21. At such hearing, if in the County Court, the Court may compel the atten-  
 2 dance of witnesses, and in case any juror impanelled, shall fail to appear, may attack

3 him for contempt, or may impanel another in his stead, and may at any time during  
4 the proceedings in considering or making their assessment, impanel one or more jur-  
5 ors in the place of any juror who may fail from any cause, or refusal to act, and admin-  
6 ister to such jurors the oath required in section sixteen of this act. And if such hear-  
7 ing shall be before the Justice of the Peace, he shall preside and enforce order as in  
8 other cases before Justice of the Peace, and shall have like power as in this section  
9 conferred upon the County Courts.

§ 22. If no objection shall be made to the assessment at the time and place ap-  
2 pointed to hear objections, or when found correct or corrected upon hearing the jury  
3 shall confirm such assessment, which shall be certified by the foreman of the jury and  
4 delivered to the commissioners, who shall return the same to that Court in which the  
5 said petition has been filed within ten days from such of confirmation, and the same  
6 stand for hearing at the next term thereafter, if the same has been filed ten days before  
7 such term, or for good cause may be continued, but if not filed ten days before such  
8 term, shall stand continued to the next term.

§ 23. The commissioners, or any person who shall have made objections to such as-  
2 sessment may appeal for the finding of the jury to the Court in which the assessment  
3 is returned within ten days after the same shall be filed in said Court, by filing with  
4 the Clerk of said Court his or their bond, payable to the opposite party, with such  
5 security, and in such amount, as shall be approved by the Clerk, conditioned to pay all  
6 costs that may accrue by reason of such appeal, and if the appeal is by an owner of  
7 land assessed for benefits to pay such an amount as may be found against him on ac-  
8 count of benefits to his land by reason of such work.

§ 24. The trial upon appeal may be in the same manner as other appeals from the  
2 Justice of the Peace, and in case the assessment of damages or benefits shall be changed  
3 from that return to the Court, the Court shall cause the assessment roll to be amended  
4 to conform thereto.

§ 25. When the assessment roll shall have been corrected as aforesaid or in case  
2 no correction shall be required to be made, the Court shall confirm the same and cause  
3 it to be spread upon the records and appeal or writs of error shall be allowed there-  
4 from.

5 As in cases of appeals from and writs of error to the County Courts in proceedings.

6 for the sale of lands for taxes or special assessments and provided that the granting of  
7 an appeal in one or more cases or to one or more persons shall not operate to defer the  
8 confirmation of said report in other cases but the Courts may proceed to confirm said  
9 reports as to all lands where no appeal is taken, and in all appeals taken from the con-  
10 firmation made by the County Court if the judgment of the County Court shall be  
11 affirmed or if upon such cause being remanded for a new trial the judgment of said  
12 Court shall be in favor of said Commissioners the County Court shall order the judg-  
13 ment so rendered to be made a part of said confirmed report and the assessments of  
14 benefits or damages so found to be extended on said report and the same shall become  
15 a part thereof.

§ 26. At the time of conferring such assessment, it shall be competent for the  
2 Court to order the assessment of benefits to be paid in installments of such amounts,  
3 and at such times as will be convenient for the accomplishment of the proposed work;  
4 otherwise the whole amount of such assessment shall be payable immediately upon such  
5 confirmation, and shall be a lien upon the lands assessed, until paid. But in cases  
6 where a levee has been heretofore built under any law of this State, or may be here-  
7 after built under the provisions of this act, the annual assessments for keeping the  
8 same in repair, shall be due and payable on the 1st day of September, annually, and  
9 shall be a lien on the lands upon which said assessments are made, from and after the  
10 confirmation of the report. The Court in which such proceedings are had shall require  
11 from said commissioners a report of the condition of the levee at its July term, of each  
12 year, together with their estimate of the amount necessary to keep the levee in repair  
13 and pay all incidental and necessary expenses for the ensuing year, and if the Court  
14 shall find that a less amount will be required for such ensuing year than the whole  
15 amount of the assessment for that year, then the Court shall, by an order, fix the  
16 amount to be paid for such year, and only that amount shall be collected, and the ex-  
17 cess of such assessment over and above the amount so fixed by said order for said year,  
18 shall be remitted by law, and shall not thereafter be collected. *Provided*, The amount  
19 to be collected under the order of said Court, shall not, in the aggregate, amount in  
20 any one year to a sum greater than would be produced by a levy of 30 cents per acre  
21 on all the lands within said district.

§ 27. Immediately after the entry of such confirmation by the Court, the Clerk shall



2 make out and certify to the commissioners a copy of such assessment roll, and shall  
3 so make out and deliver to the commissioners separate copies of the same, pertaining  
4 to the lands situated in the different counties, which shall be recorded in the recorders  
5 office of the respective counties in which the lands are situated, and shall be notice of  
6 the lien thereof to all persons.

§ 28. Upon the organization of said drainage district by the County Court the  
2 commissioners so appointed shall from thence forth be constituted a body corporate  
3 and politic by the name and style of "Commissioners of the Drainage  
4 District," (inserting the name of the district fixed by the Court) and by that name  
5 shall have perpetual succession, and may have a common seal and alter the same at  
6 pleasure; they shall have power to contract and be contracted with, sue and be sued,  
7 to plead and be impleaded and to do and perform in their corporate name all such acts  
8 and things as may be necessary for the accomplishment of the purposes of this act.

§ 29. The commissioners shall after the confirmation of said assessment roll and by  
2 fore any collections shall have been made by them, appoint a treasurer who shall not  
3 be one of their number, who shall execute a bond to the people of the State of Illinois  
4 for the use of all persons interested in a sum of not less than twice the amount of  
5 assessments that may be levied for one year, with such surities as may be approved of  
6 by the judge of said Court conditioned for the faithful performance of his duties as  
7 Treasurer of said drainage district, and that he will safely and faithfully account for  
8 all money that by virtue of his said office shall come to his hands. Which said bond  
9 when approved by the Court shall be kept and preserved by said commissioners, and  
10 suits may be maintained upon the same by them upon any breach of its conditions.

§ 30. It shall be the duty of said Treasurer to keep proper books to be furnished  
2 him by the commissioners in which he shall keep an accurate account of all monies re-  
3 ceived by him and of all disbursements of the same; he shall pay out no money ex-  
4 cept upon the order of a majority of the commissioners, and shall carefully preserve  
5 on file all orders for the payment of money given him by the commissioners, and shall  
6 turn over all books, papers, vouchers, monies, and other property belonging to and in  
7 his hands as such Treasurer to his successor in office. His term of office shall  
8 be years but he may be at any time removed by the Court appointing him upon  
9 petition of a majority of the commissioners, or for good cause shown.

3 him for contempt, or may impanel another in his stead, and may at any time during  
4 the proceedings in considering or making their assessment, impanel one or more jur-  
5 ors in the place of any juror who may fail from any cause, or refusal to act, and admin-  
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7 ing shall be before the Justice of the Peace, he shall preside and enforce order as in  
8 other cases before Justice of the Peace, and shall have like power as in this section  
9 conferred upon the County Courts.

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2 pointed to hear objections, or when found correct or corrected upon hearing the jury  
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6 stand for hearing at the next term thereafter, if the same has been filed ten days before  
7 such term, or for good cause may be continued, but if not filed ten days before such  
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§ 23. The commissioners, or any person who shall have made objections to such as-  
2 sessment may appeal for the finding of the jury to the Court in which the assessment  
3 is returned within ten days after the same shall be filed in said Court, by filing with  
4 the Clerk of said Court his or their bond, payable to the opposite party, with such  
5 security, and in such amount, as shall be approved by the Clerk, conditioned to pay all  
6 costs that may accrue by reason of such appeal, and if the appeal is by an owner of  
7 land assessed for benefits to pay such an amount as may be found against him on ac-  
8 count of benefits to his land by reason of such work.

§ 24. The trial upon appeal may be in the same manner as other appeals from the  
2 Justice of the Peace, and in case the assessment of damages or benefits shall be changed  
3 from that return to the Court, the Court shall cause the assessment roll to be amended  
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11 affirmed or if upon such cause being remanded for a new trial the judgment of said  
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13 ment so rendered to be made a part of said confirmed report and the assessments of  
14 benefits or damages so found to be extended on said report and the same shall become  
15 a part thereof.

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2 Court to order the assessment of benefits to be paid in installments of such amounts,  
3 and at such times as will be convenient for the accomplishment of the proposed work ;  
4 otherwise the whole amount of such assessment shall be payable immediately upon such  
5 confirmation, and shall be a lien upon the lands assessed, until paid. But in cases  
6 where a levee has been heretofore built under any law of this State, or may be here-  
7 after built under the provisions of this act, the annual assessments for keeping the  
8 same in repair, shall be due and payable on the 1st day of September, annually, and  
9 shall be a lien on the lands upon which said assessments are made, from and after the  
10 confirmation of the report. The Court in which such proceedings are had shall require  
11 from said commissioners a report of the condition of the levee at its July term, of each  
12 year, together with their estimate of the amount necessary to keep the levee in repair  
13 and pay all incidental and necessary expenses for the ensuing year, and if the Court  
14 shall find that a less amount will be required for such ensuing year than the whole  
15 amount of the assessment for that year, then the Court shall, by an order, fix the  
16 amount to be paid for such year, and only that amount shall be collected, and the ex-  
17 cess of such assessment over and above the amount so fixed by said order for said year,  
18 shall be remitted by law, and shall not thereafter be collected. *Provided*, The amount  
19 to be collected under the order of said Court, shall not, in the aggregate, amount in  
20 any one year to a sum greater than would be produced by a levy of 30 cents per acre  
21 on all the lands within said district.

§ 27. Immediately after the entry of such confirmation by the Court, the Clerk shall

2 make out and certify to the commissioners a copy of such assessment roll, and shall  
3 so make out and deliver to the commissioners separate copies of the same, pertaining  
4 to the lands situated in the different counties, which shall be recorded in the recorders  
5 office of the respective counties in which the lands are situated, and shall be notice of  
6 the lien thereof to all persons.

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2 commissioners so appointed shall from thence forth be constituted a body corporate  
3 and politic by the name and style of "Commissioners of the Drainage  
4 District," (inserting the name of the district fixed by the Court) and by that name  
5 shall have perpetual succession, and may have a common seal and after the same at  
6 pleasure; they shall have power to contract and be contracted with, sue and be sued,  
7 to plead and be impleaded and to do and perform in their corporate name all such acts  
8 and things as may be necessary for the accomplishment of the purposes of this act.

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2 fore any collections shall have been made by them, appoint a treasurer who shall not  
3 be one of their number, who shall execute a bond to the people of the State of Illinois  
4 for the use of all persons interested in a sum of not less than twice the amount of  
5 assessments that may be levied for one year, with such surities as may be approved of  
6 by the judge of said Court conditioned for the faithful performance of his duties as  
7 Treasurer of said drainage district, and that he will safely and faithfully account for  
8 all money that by virtue of his said office shall come to his hands. Which said bond  
9 when approved by the Court shall be kept and preserved by said commissioners, and  
10 suits may be maintained upon the same by them upon any breach of its conditions.

§ 30. It shall be the duty of said Treasurer to keep proper books to be furnished  
2 him by the commissioners in which he shall keep an accurate account of all monies re-  
3 ceived by him and of all disbursements of the same; he shall pay out no money ex-  
4 cept upon the order of a majority of the commissioners, and shall carefully preserve  
5 on file all orders for the payment of money given him by the commissioners, and shall  
6 turn over all books, papers, vouchers, monies, and other property belonging to and in  
7 his hands as such Treasurer to his successor in office. His term of office shall  
8 be years but he may be at any time removed by the Court, appointing him upon  
9 petition of a majority of the commissioners, or for good cause shown.

§ 31. In case the assessments for benefits shall be payable in installments, such installments shall draw interest at the rate of ten per cent. per annum from the time they shall become payable till they are paid, and such interest may be collected and enforced as part of the assessment.

§ 32. The Commissioners appointed by virtue of this chapter shall not collect or receive any money for the purposes therein specified until they shall have given bond payable to the people of the State of Illinois, for the use of all persons interested, in a sum not less than twice the amount of the assessment for benefits, payable in any one year, with such security as shall be approved by the Judge of the Court, conditional for the faithful application of all monies that may be received by them as such commissioners, and to make due account thereof to the Court whenever required, which bond shall be filed in the Court in which the proceedings are had. The Court may require additional bond from time to time, or the Commissioners may if they choose appoint one of their number collector of assessments who before entering upon the collection of such assessments shall give bond as in this section mentioned and who after giving such bond may make such collections and give receipts for the same.

§ 33. The commissioners upon receiving such certified copy of such assessment roll, shall immediately, cause a notice to be published for three weeks in the manner required in section 3 of this act, in substance as follows:

Notice of Drainage Assessment.—Notice is hereby given to all persons interested that an assessment is now due for drainage purposes for the year A. D. 18      upon lands lying within the      drainage district in the county of      and State of Illinois, and that the same must be paid to the undersigned commissioners of said drainage district on or before the      day of      A. D. 18      and that in default of such payment, the several tracts of lands upon which such assessments remain unpaid will be sold according to law to pay the amount of such assessments and costs."

Commissioners of Drainage District.

§ 34. If the assessment due upon said lands shall not be paid on or before the day named in the notice given as in section 33 of this act, it shall be the duty of said commissioners if they have not appointed a collector as aforesaid and if so then of said collector to make out a certified list of such delinquent lands upon which the assess-

5 ments remain unpaid and the same shall be by him or them on or before the 10th day  
 6 of March next after the same have become payable, returned to the County Collector, of  
 6 the county or counties in which such lands shall lie and when the same shall lie in differ-  
 7 ent counties, a separate return shall be made for each county of the delinquent lands there-  
 8 in, and it shall be the duty of the collector to whom any such return has been made to  
 9 transfer the amounts thereof from such returns to the tax books in his hands setting down  
 10 therein opposite the respective tracts or lots in proper columns prepared for that purpose  
 11 the amount assessed against each lot and the like proceeding shall be had and with the  
 12 like force and effect in the collection of such delinquent assessments and the sale of said  
 13 lands for non-payment thereof as in ordinary collections of State and County taxes by  
 14 County Collectors and of sales of real estate by them for such non-payment and of re-  
 15 demptions from such sales.

§ 35. Notwithstanding the returns of such delinquent list the said commissioners or  
 2 their collector shall be authorized to receive payment of any such delinquent assess-  
 3 ments and costs and may give receipts for the same, but shall keep a memorandum of  
 4 the same and on or before the day of sales fixed by said County Collector for the sale  
 5 of such lands shall present said memorandum or list to said County Collector or Col-  
 6 lectors for the purpose of having the same checked or marked paid on the delinquent  
 7 list in his hands and all amounts collected by the said County Collector by sales or  
 8 otherwise after deductions of his fees shall be paid to the commissioners on demand.

§ 36. The commissioners, when qualified in pursuance of this act, may do any and  
 2 all acts that may be necessary in and about the surveying, laying out, constructing, re-  
 3 pairing, altering, enlarging, cleaning, protecting and maintaining any drain, ditch, levee,  
 4 or other work for which they shall have been appointed, including all necessary  
 5 bridges, crossings, embankments, protections, dams, and side drains, clearing out and  
 6 removing of obstructions from natural or artificial channels or streams, procuring or  
 7 purchasing the right of way or of riparian rights and water powers, by agreement with  
 8 the owners thereof, and may use any money in their hands arising from assessments for  
 9 that purpose.

§ 37. Said commissioners may use money arising from the collections of assessments  
 2 for the purpose of compromising suits and controversies, and in the employment of all  
 3 necessary agents and attorney's in the prosecution or defense of said operations.

§ 38. The commissioners may borrow money not exceeding in amount the amount of assessment unpaid at the time of borrowing, for the construction of any work which they shall be authorized to construct and may secure the same by notes or bonds bearing interest at a rate not exceeding ten per cent per annum, and not running beyond one year after the last assessment on account of which the money is borrowed, shall fall due, which notes or bonds shall not be held to make the commissioners personally liable for the money borrowed, but shall constitute a lien upon the assessment for the re-payment of the principal and interest thereof

§ 39. All damages over and above the benefits to any tract of land, shall be payable out of the amounts assessed against other lands for benefits, and shall be paid or tendered to the owners thereof, before the commissioners shall be authorized to enter upon his land for the construction of any work thereon. In case the owner is unknown, or there shall be a contest in regard to the ownership of the land or the commissioners can not, for any reason, safely pay the same to the owner, they may deposit the same with the Clerk of the Court, and the Court may order the payment thereof to such party as shall appear to be entitled to the same.

§ 40. The Court may, at any time, remove any commissioner appointed by it, and appoint another in his place, and may fill all vacancies by death, resignation, removal or otherwise, and may appoint a new commissioner, or authorize the commissioners appointed to repair or cleanse any work, ditch or drain, that shall have been constructed.

§ 41. The commissioners shall, as often as once in each year after their appointment, and as much oftener as the Court shall require, make a report to the Court by which they were appointed, showing the amount of money by them collected, and the manner in which the same is being done.

§ 42. The commissioners shall receive for their services the sum of three dollars per day for each day they shall be actually engaged in the business of their appointments, such amount to be audited at least once a year by said County Court, and certified to by said Court to their Treasurer to be paid by him. They shall fix the compensation of said Treasurer, and of all other servants and agents; and the Clerk of the County Court shall receive for his services hereunder, such fees as are by law allowed for similar services in that Court.

§ 43. Whenever a petition shall be presented to said Court by the owners of any

or in any manner impair the usefulness of any drain, ditch, or other work constructed under this chapter, or that may have been heretofore constructed for the purposes of drainage or protection against overflow, may be fined in any sum not exceeding two hundred dollars, to be recovered before a Justice of the Peace in the proper county, or if the injury be to any levee whereby lands shall be overflowed, he may, on conviction in any Court of competent jurisdiction, be fined in any sum not exceeding five thousand dollars, or imprisoned in the county jail not exceeding one year, or both, at the discretion of the Court. All complaints under this section shall be in the name of the People of the State of Illinois, and all fines, when collected, shall be paid over to the proper commissioners, to be used for the work so injured.

§ 50. In addition to the penalties provided in the preceding section, the person so wrongfully and purposely filling up, cutting, injuring, destroying or impairing the usefulness of any such drain, ditch, levee or other work shall be liable to the commissioners having charge thereof for all damages occasioned to such work, and to the owners and occupants of land for all damages that may result to them by such wrongful act, which may be recovered before a Justice of the Peace, if within his jurisdiction, or before any court of competent jurisdiction.

§ 51. The following acts are hereby repealed :

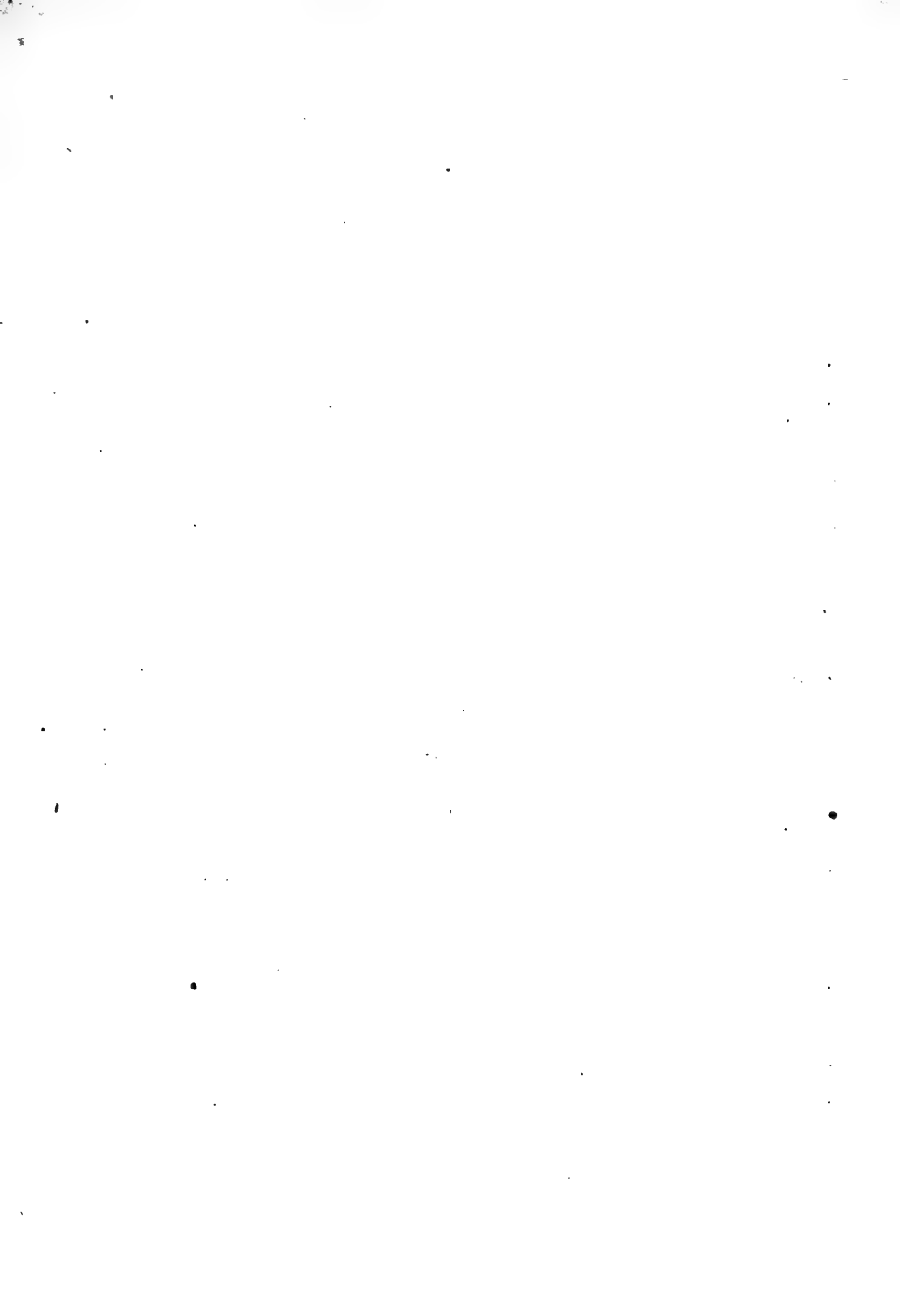
"An Act to provide for the construction and protection of drains, ditches, levees and other works" Approved April 24, 1871.

"An Act to provide for the registration of drainage and levee bonds and to secure the payment of the same." Approved April 9, 1872.

And "An Act to protect by levee lands subject to overflow, and for draining wet and swamp land and coal mines." Approved May 16, 1877.

But the repeal of said acts shall not effect any suits that may be pending or any rights that may have accrued at the time this act shall take effect.





1. Introduced by Mr. Munn, January 17, 1879, and ordered to first reading.
2. First reading January 17, 1879, and referred to Committee on Military Affairs.
3. January 29, ordered printed for use of Committee.

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## A BILL

For an Act to amend an act entitled An Act to provide for the organization of the State Militia, and entitled "The Military Code of Illinois."

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### ARTICLE I.

#### LIABILITY AND EXEMPTION.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That all able-bodied male citizens of this State, between the ages of eighteen and forty five years, except such as are expressly exempted by the laws of the United States, or are State or County officers, or on account of their profession or employment, are exempted by the Commander-in-Chief, shall be subject to military duty and designated as the Illinois State Militia.

#### ENROLLMENT.

§ 2. When it is necessary to execute the laws, suppress insurrection, or repel invasion, or to quell riots, or when a requisition shall be made by the President of the United States for troops, the Governor, as Commander-in-Chief, may, by his proclamation, require the enrollment of the militia of the State, or of such portion thereof as may be necessary, and he shall appoint necessary enrolling officers, and prescribe their duties, issuing all proper orders that may be required in the premises. He may designate the place of rendezvous, provide for the organization of the militia into companies, battalions, regiments and brigades, and their equipments, as the case may require. The militia, when called into active service, shall receive the same pay and subsistence as is provided for like troops in the service of the United States.

## VOLUNTEERS.

§ 3. The active militia shall be designated as the "Illinois National Guard," and shall be recruited by volunteer enlistments. The entire State shall be composed of not more than three brigades, each to be commanded by a Brigadier General. The Commander-in-Chief shall assign all regiments, battalions and companies to such brigades as he shall think proper. All enlistments therein shall be for five years, and made by signing enlistment papers, prescribed by the Adjutant General, and taking the following oath or affirmation, which may be administered by the enlisting officer, to-wit: "You do solemnly swear (or affirm) that you will bear true allegiance to the United States and the State of Illinois, and that you will support the constitutions thereof; that you will serve the State of Illinois faithfully in its military service, for the term of five years, unless sooner discharged, or you cease to become a citizen thereof; that you will obey the orders of the Commander-in-Chief, and such officers as may be placed over you, and the laws governing the military forces of Illinois, so help you God." This oath may be administered by any commissioned officer, or in his absence, by any officer authorized by law to administer oaths.

§ 4. The Staff of the Commander-in-Chief shall consist of an Adjutant General, an Inspector General with rank of Brigadier General, Chief of Artillery with rank of Brigadier General, Chief of Cavalry with rank of Brigadier General, Surgeon General with rank of Brigadier General, Judge Advocate with rank of Brigadier General, and such other officers as he may think proper to appoint. The Adjutant General shall rank as a Major General. He shall issue and transmit all orders of the Commander-in-Chief, with reference to the militia or military organizations of the State, and shall keep a record of all officers commissioned by the Governor, and of all general and special orders and regulations, and of all such matters as pertain to the organization of the State Militia and the duties of an Adjutant and Quartermaster General. He shall have charge of the State Arsenal and grounds, and shall receive and issue all Ordnance and Ordnance Stores, and Camp and Garrison Equipage, on the order of the Commander-in-Chief. He may appoint, with the approval of the Governor, a Clerk, at a salary of not more than \$1,000 (one thousand dollars) per year, and an Ordnance Sergeant and Janitor, at a salary of not more than \$600 (six hundred dol-

15 lars) per year, who shall, under the direction of the Adjutant General, aid and assist  
 17 him in the discharge of his duties. The Adjutant General shall receive for his servi-  
 18 ces \$3,000 (three thousand dollars) per year.

§ 5. The Adjutant General shall have charge of and carefully preserve the Colors,  
 2 Flags, Guidons, and Military Trophies of war belonging to the State, and shall not  
 3 allow the same to be loaned out or removed from their proper place of deposit. He  
 4 shall furnish, at the expense of the State, all proper blank books, blanks and forms,  
 5 and such military instruction books as shall be approved by the Commander-in-Chief.  
 6 He shall also, on or before the first day of October next preceeding the regular session  
 7 of the General Assembly, and at such other times as the Governor shall require, make  
 8 out a full and detailed account of all the transactions of his office, with the expenses  
 9 of the same for the preceeding two years, and such other matters as shall be required  
 10 by the Governor. He shall reside at the State Capital, and shall hold his office during  
 11 the pleasure of the Governor.

§ 6. The Generals of Brigades shall be appointed by the Governor, and shall hold  
 2 their office until removed by Court Marshal or Resignation, on recommendation of the  
 3 Brigadiers General or Brigade Commander. The Governor shall appoint and commis-  
 4 sion the following, as a Brigade Staff:

4 Assistant Adjutant General with rank as Lieutenant Colonel; Assistant Inspector  
 5 General with rank as Major Colonel; Judge Advocate with rank as Major; Surgeon  
 7 with rank as Major; Assistant Quartermaster with rank as Captain; Assistant Com-  
 8 missary with rank as Captain; Paymaster with rank as Captain; Inspector Rifle Prac-  
 9 tice with rank as Captain; Our Aide de Camp with rank as 1st Lieutenant.

§ 7. A regiment of Infantry shall consist of not less than eight and not more than  
 2 ten companies. A battalion shall consist of not less than two and not more than seven  
 3 companies. A battalion of less than four companies shall be entitled to a Major, and  
 4 when it has been augmented to four or more companies it shall be entitled to a Lie-  
 5 tenant Colonel. The Colonel, Lieutenant Colonel and Major of all battalions and reg-  
 6 iments shall be elected by the officers thereof. The Regimental Staff shall consist of a  
 7 Surgeon, with the rank of Major; Assistant Surgeon, with the rank of Captain;  
 8 Chaplain, with the rank of Captain; Adjutant, with the rank of Captain; Quarter-  
 9 master, with the rank of First Lieutenant, who shall be appointed and commissioned

by the Governor, on recommendation of the Regimental Commander. The Commander of each regiment or battalion shall appoint by warrant, countersigned by the Adjutant, a Sergeant Major, Quartermaster Sergeant, Commissary Sergeant, Hospital Steward, Color Sergeant, Ordnance Sergeant, Drum Major and two principal Musicians, who shall constitute the non-commissioned staff. All field officers shall hold their offices for five years. The commissions of all staff officers shall expire when the successor of the officer nominating them shall make new nominations to the respective office, and such nominations are confirmed by the Commander-in-Chief.

§ 8. A Battalion of Cavalry shall consist of not more than four nor less than two companies of not less than forty enlisted men in each company; and such battalion shall be entitled to a Major, and if over four companies should at any time be deemed necessary by the Governor, it shall be called a Regiment, and be entitled to a Lieutenant Colonel, with the same Staff Officers as a Battalion of Infantry, with the addition of a Commissary with rank as 1st Lieutenant. The non-commissioned Staff of a Battalion of Cavalry, shall consist of a Sergeant-Major, Quartermaster-Sergeant, Commissary-Sergeant, Hospital Stewart, Color-Sergeant, Chief Bugler, Farrier-Sergeant, and Saddler-Sergeant, who shall be appointed in the same manner as provided for a Battalion of Infantry.

§ 9. A company of Infantry shall consist of a Captain, a First Lieutenant, a Second Lieutenant, five Sergeants, four Corporals, two Musicians, and not less than forty and not more than one hundred privates and non-commissioned officers.

A company of Cavalry or Artillery shall have, in addition to these officers, a Commissary-Sergeant, a Quartermaster-Sergeant, Farrier and Saddler. And provided that a company of Artillery having more than two guns, shall be entitled to an additional Second Lieutenant.

## ARTICLE II.

SECTION 1. Company officers shall be elected by the members of the company, and shall hold their office for three years. All non-commissioned officers of companies, on recommendation of their Captain, shall be appointed by the warrant of the battalion commander, countersigned by the Adjutant.

§ 2. All meetings for the election of officers, shall be ordered by the Brigade Com-

2 mander. The orders therefor shall be addressed to an officer of his command to pre-  
 3 side at such meeting, who shall, at least one week previous thereto, send a notice  
 4 thereof by mail, to each person entitled to vote thereat. The voting shall be by ballot  
 5 and a majority of all votes cast shall be necessary to elect, and the result thereof shall  
 6 be forthwith returned by the officer presiding, through the regimental or battalion Com-  
 7 mandant and the General commanding the brigade, to the Adjutant General. If there  
 8 shall be a failure to elect any officer at two meetings ordered therefor, the Commander  
 9 in-Chief may fill the vacancy by direct appointment. If the officer designated to pre-  
 10 side at such meeting shall not appear thereat, the senior officer present shall preside.

§ 3. An examining board of three or more competent officers appointed by each  
 2 Brigade Commander, shall convene at such times and places as they shall direct, and  
 3 examine in military tactics all commissioned officers below the rank of Brigadier Gen-  
 4 eral, who shall be ordered before it. The Brigade Commander shall give at least two  
 5 weeks' notice to all such officers to appear thereat. Said board shall, in twenty days  
 6 after such examination, make a detailed report of its result, and on recommendation  
 7 of the Brigade Commander, the Governor may revoke appointments of all officers  
 8 failing to pass an examination satisfactory to said board. If any officer shall fail to  
 9 appear for examination, on receiving proper notice, he may be allowed an opportunity  
 10 for examination at the next session of the board, if he shall give a satisfactory excuse  
 11 for his absence: *Provided*, That no officer who has passed a satisfactory examination  
 12 shall be re-examined.

§ 4. Every company, battalion and regiment may make by-laws for its government  
 2 not in conflict with this act, or with general orders or regulations, which shall be bind-  
 3 ing upon the members.

§ 5. Every officer, non-commissioned officer, musician and private of the Illinois  
 2 National Guard, shall be held to duty for the full term of five years, unless regularly  
 3 discharged for good and sufficient cause by the commandant of his regiment, battalion  
 4 or battery, approved by the Commander-in-Chief. In case of the discharge of an en-  
 5 listed man, the commander of his company shall certify to the facts on which the appli-  
 6 cation is based, through intermediate commanders, to the Adjutant General, for the  
 7 approval or disapproval of the Commander-in-Chief; and each intermediate officer  
 8 shall endorse his approval or disapproval of the same. A Surgeon's certificate will

9 take the same course, subject to the approval of the medical staff.

§ 6. Whenever any company of the State Guard shall become reduced to a number  
2 less than forty non-commissioned officers and privates, (to be ascertained by an inspec-  
3 tion) uniformed and active members, it may be disbanded or consolidated with another  
4 company, by the Commander-in-Chief.

§ 7. The organization, equipment, discipline and military regulations of the Illi-  
2 nois National Guard shall strictly conform to the regulations for the government of  
3 the army of the United States in all cases, except as herein otherwise provided, and  
4 all orders and regulations governing troops, not in conflict with the constitution of this  
5 State and the provisions of this act, shall be binding upon all members of the Illinois  
6 National Guard.

### ARTICLE III.

#### EXEMPTIONS.

SECTION 1. Every officer, non-commissioned officer, musician and private of the  
2 Illinois National Guard shall be exempt from jury duty, from payment of road, labor  
3 and head or poll tax of every description during the time he shall hold a commis-  
4 sion as an officer, or be enrolled as an enlisted man in the Illinois National Guard. The  
5 uniforms, arms and equipments of every member of the Illinois National Guard shall  
6 be exempt from all suits, distresses, executions or sales for debt or payment of taxes :  
7 *Provided*, That no property of any kind or nature whatsoever, shall be exempt from ex-  
8 ecution issued for fines lawfully assessed by any officer of a company, battalion or regi-  
9 mental or by any Court martial, or on any judgment thereon, against any member of  
10 the Illinois National Guard. The members thereof shall, in all cases except treason,  
11 felony, or breach of the peace, be privileged from arrest during their attendance at  
12 drills, parades, encampments and the election of officers, and in going to and from the  
13 same.

### ARTICLE IV.

#### PARADES AND ENCAMPMENT.

SECTION 1. The commandant of each regiment and battalion may order monthly or  
2 semi-monthly evening drills by the companies of his command, from October to April,  
3 inclusive.

§ 2. The Illinois National Guard shall parade for drill six days annually by company, regiment or brigade, as ordered by the Commander-in-chief.

§ 3. The commanding officer of any encampment or parade may cause those under his command to perform any field or camp duty he shall require, and may put under arrest, during such encampment or parade, any member of his command who shall disobey a superior officer, or be guilty of disorderly or unmilitary conduct, and any other person who shall trespass on the parade or encampment ground, or in any way interrupt or molest the orderly discharge of duty by the members of his command, and he may prohibit the sale of all spirituous or malt liquors within one mile of such encampment, and enforce such prohibition by force, if necessary: *Provided, however,* That nothing herein contained shall be construed to interfere with the regular business of any liquor dealer whose place of business shall be situated within said limits before the commencement of said encampment.

§ 4. The Brigade Commander shall direct such target practice at the annual parades and encampments as he may deem expedient, and he shall command at each general encampment, and report the conduct and discipline thereof, to the Commander-in-Chief.

## ARTICLE V.

### ARMS AND ARMORIES.

SECTION 1. Upon the organization of any company or battalion of the Illinois National Guard, on the requisition of its commanding officer, and the approval of the Governor, the Quartermaster-General shall issue all necessary ordnance stores: *Provided, however,* That when any arms or munition are delivered to any commander, he shall execute and deliver to the Adjutant-General a bond, payable to the People of the State of Illinois, in a sufficient amount and with sufficient security, to be approved by the Governor, conditioned for the proper use of such arms and munition, and the return of the same when requested by the proper officers, in good order, wear, use and unavoidable loss and damage excepted. All such arms and munitions shall be kept at the company or regimental armory.

§ 2. The Inspector General shall critically inspect, as often as he may deem necessary, every branch connected with the military service, including armories, arsenals,



3 and military store-houses; and he shall report to general headquarters the improve-  
4 ment in discipline and tactical instruction of the Illinois National Guard. He shall or-  
5 ganize the Inspector General's Department, and shall prescribe the rules and regula-  
6 tions for its government, and shall decide upon the necessary blank forms required by  
7 his department, and see that the same are furnished at the proper time.

§ 3. The entire Illinois National Guard and all armories, ordnance stores and camp  
2 equipage belonging to the State, shall be inspected at least once in each year, under  
3 such rules and regulations as may be provided by the Inspector General, with the ap-  
4 proval of the Commander-in-Chief, and all the necessary traveling expenses incurred  
5 therein, shall be paid on the requisition in the same manner as hereinafter provided  
6 for.

§ 4. Commandants of regiments, battalions, troops, batteries, or separate companies,  
2 shall furnish to the Inspector-General such information as he may require as to the  
3 number and kind of arms, equipments and military property of the State issued to  
4 their respective regiments, battalions, troops, batteries, or separate companies; and  
5 at the inspection of any armory, arsenal or military store-house, if the Inspector-Gen-  
6 eral finds the property which ought to be kept therein, or any part of it, missing, in-  
7 jured, unfit for use, or deficient in any respect, he shall forthwith report the facts in  
8 respect thereto, to the Commander-in-Chief.

§ 5. In his annual report the Inspector General shall state what general and field  
2 officers have been in command of parades and encampments, what changes of general  
3 and field officers have been made, and what degree of improvement has been attained  
4 by both officers and men, and whether the general regulations have been observed, to-  
5 gether with such other suggestions as he may see fit to make.

§ 6. The Brigade Inspectors, whenever required by the Inspector General, shall re-  
2 port to him the condition of their respective brigades, and shall also, upon his request,  
3 report to him upon any matter properly belonging to his department which may re-  
4 quire examination, within their respective brigade districts. All such reports shall be  
5 addressed to the Inspector General, but shall be forwarded through the commandants  
6 of their respective brigades. The Chief of Artillery shall inspect that branch of the  
7 service.

§ 7. The armory of each regiment, battalion or company shall be subject to the

2 orders of the Adjutant General, be under the charge of its commanding officer, who  
 3 shall keep therein all property furnished by the State. And no company shall be  
 4 furnished with arms or equipments until a suitable armory shall be provided for its de-  
 5 posit. Nor shall such arms be loaned, or taken from such armory by members of  
 6 companies.

§ 8. Any officer, non-commissioned officer or private of the Illinois National Guard  
 2 knowingly making any false certificate, or false returns of State property in his hands,  
 3 or neglecting or refusing to apply all money drawn from the State Treasurer for the  
 4 purpose named in the requisition therefor, shall be guilty of embezzlement and fraud,  
 5 and shall be punished in the manner provided for like offenses in the criminal code of  
 6 this State.

§ 9. There shall be a general Inspector of rifle practice, who shall have charge of  
 2 rifle practice throughout the State, and who shall direct the manner in which the same  
 3 shall be conducted. He shall rank as Colonel, and shall be a member of the staff of  
 4 the Commander-in-Chief, reporting direct to the Inspector General.

§ 10. There shall be an inspector of rifle practice appointed for each brigade with  
 2 rank as Captain, who shall aid and assist in carrying out the orders and instructions of  
 3 the general Inspector of rifle practice, and will report to him all transactions of that  
 4 branch of the service in their respective brigades.

§ 11. The commanding officer of each regiment or battalion, and in the case of a  
 2 separate troop, company or battery, the Brigade Commander shall detail an officer of  
 3 each command yearly to act as Inspector of rifle practice for the command to which  
 4 he is attached, who shall follow out the instructions received from the Brigade Inspec-  
 5 tor of rifle practice, reporting to him in form and manner as heretofore prescribed for  
 6 Brigade Inspectors of rifle practice.

§ 12. The officers so elected and appointed, having charge of rifle practice, shall be  
 2 paid as is hereinafter prescribed, the same as for camp duty, subject to the approval of  
 3 the Inspector General and Commander-in-Chief. The expenses of procuring and main-  
 4 taining proper rifle ranges, procuring ammunition, the necessary printing, and all other  
 5 things deemed proper for the promotion of rifle practice by the Illinois National Guard,  
 6 shall be paid for from the military fund, on bills of particulars approved by the Com-  
 7 mander-in-Chief.

## ARTICLE VI.

## FINES AND COURT-MARTIAL.

SECTION 1. Every non-commissioned officer, musician and private, absent without leave or excuse satisfactory to his commanding officer, from any parade, drill or encampment, shall be fined three dollars (\$3.00) for each day of absence, and for any unsoldierly conduct at drill, parade or encampment, he may be fined not more than ten dollars (\$10.00); the commanding officer shall notify him of such fine within ten days after such absence or offense. If such fine is not paid within ten days after such notice, suit may be brought for its recovery in the name of the organization to which the offender belongs, before any Justice of the Peace of the county where such fine is imposed, or where the offender resides; and execution shall issue on any judgment received in such proceeding as in an action of tort. Such fine, when collected, shall be paid into the treasury of the company, troop or band to which the offender shall belong. Nothing herein shall be construed to prevent any company or band imposing such fines upon its members as it may think proper in its by-laws; which fines may be enforced in the same manner as hereinbefore provided for the collection of fines for absence from drill, parade or encampment.

§ 2. Commissioned officers, for neglect of duty, disobedience of orders, or unsoldierly or ungentlemanly conduct, may be tried by court martial, according to the regulations provided in like cases in the army of the United States. The Commander-in-Chief, by order, shall designate the time and place of holding such courts, and the names of officers composing it, consisting of not less than three nor more than six. The senior officer named shall preside, and shall be of a superior rank to the one on trial, when practicable. Witnesses for the prosecution and defense may be summoned to attend by subpoena signed by the Judge Advocate. Any witness duly summoned, who shall fail to appear and testify, may be, by warrant of the President of the Court, directed to the Sheriff or any Constable, arrested and treated as in like cases before civil courts. The fees of all witnesses shall be the same as allowed in civil cases, to be taxed with the necessary expenses of the Judge Advocate and the Court, by the President of the Court, and paid by the State Treasury, on the Auditor's warrant, to the Judge Advocate, who shall pay all the expenses of the trial, when received by him. A regimental

15 court-martial for the trial of enlisted men, may be ordered by the Commander-in-Chief,  
 16 on application of Brigade Commander.

§ 3. No court-martial, in the time of peace, shall order any punishment other than  
 2 a reprimand, or fine of not more than one hundred dollars, and cashiering, with disabil-  
 3 ity of holding any office in this State, or either of them. Said fine shall carry with it  
 4 all the costs of the trial, and shall be collected by the Sheriff on the warrant of the  
 5 President, endorsed with the approval of the Brigadier-General, as on executions is-  
 6 sued in actions of tort, and he shall pay them to the State Treasurer on account of the  
 7 military fund.

§ 4. The sentence of courts-martial shall be approved or disapproved by the Com-  
 2 mander-in-Chief, who may mitigate or remit any punishment awarded by sentence of  
 3 court-martial, after such sentence shall have been approved by the Brigadier-General.  
 4 The record of all the proceedings and the sentence of a court-martial, in every case,  
 5 with the order approving or disapproving it, shall be deposited in the office of the Ad-  
 6 jutant-General.

§ 5. A Judge Advocate for each general or regimental court-martial, may be de-  
 2 tached, by order of the Brigade Commander, from among the field line or staff officers,  
 3 when it is not convenient for the Judge Advocate General to attend.

§ 6. The members of any court-martial will assemble in full uniform of their  
 2 grade, and will be governed in their proceedings by the rules and regulations prescri-  
 3 bed by the military authorities of the United States.

## ARTICLE VII.

### PAY DEPARTMENT.

SECTION. 1. The active enrolled Illinois National Guard shall be paid as follows:  
 2 For every mile traveled going to and from the regular brigade encampment authorized  
 3 by law, and by the most direct route, mounted commissioned officers or enlisted men,  
 4 five (5) cents per mile; dismounted officers or enlisted men, three (3) cents per mile.

§ 2. There shall be allowed and paid to officers and men of the Illinois National  
 2 Guard, on rolls and accounts of such form as may be prescribed by the Commander-  
 3 in-Chief, for each day's duty in camp, or going to and returning from the same,

4	To General officers	-	-	-	\$6 00 per day.
5	To Colonels of regiments	-	-	-	5 00 per day.
6	To Lieutenant Colonels	-	-	-	4 00 per day.
7	To Majors	-	-	-	3 50 per day.
8	To Captains	-	-	-	3 00 per day.
9	To First Lieutenants	-	-	-	2 50 per day.
10	To Second Lieutenants	-	-	-	2 50 per day.
11	To Members of bands	-	-	2 00 per day, and subsistence.	
12	To Sergeants	-	-	1 50 per day, and subsistence.	
13	To Corporals	-	-	1 25 per day, and subsistence.	
14	To Musicians	-	-	1 25 per day, and subsistence.	
15	To Enlisted men	-	-	1 00 per day, and subsistence.	

§ 3. The Paymaster of each brigade shall be furnished with made-up rolls by the Adjutant General whenever payment is due the troops, and shall proceed to pay the troops under orders from the Commander-in-Chief, represented on these rolls. And no payment shall be made but to the actual person to whom such payment is due, or to his authorized attorney.

§ 4. As soon as such payment is concluded, the rolls shall be forwarded to the Adjutant General, with a proper endorsement thereon, certifying that payment was duly made. The roll shall be made out and signed in triplicate; one copy to be filed in the Auditor's office, one copy in the Adjutant General's office, and one copy to be retained by the command paid.

§ 5. The Paymaster shall also pay all claimants, by warrant from the Auditor's office, after being approved by the Commander-in-Chief, for all sums drawn from the military fund. Each Paymaster will give bonds for the faithful performance of his duties, on forms prescribed by the Governor, in the sum of \$10,000, and shall make full and complete returns of all the transactions of his department to the Adjutant General, for the approval of the Commander-in-Chief.

## ARTICLE VIII.

### APPROPRIATIONS.

SECTION 1. There is hereby appropriated and set apart, as a military fund in this

2 State, the sum of two hundred thousand dollars annually. Forty thousand dollars of  
 3 which shall be used and applied for the payment of the rent of an armory, fire, light-  
 4 ing and insurance thereon, for each company of the Illinois National Guard; which  
 5 sum shall be apportioned to each company by the Adjutant General, under the ap-  
 6 proval of the Governor, based upon the number of enlisted men regularly reporting  
 7 for duty.

§ 2. The sum of three thousand dollars shall be annually expended for target prac-  
 2 tice and the establishment of ranges, as hereinbefore provided. The remainder of the  
 3 above appropriation of two hundred thousand dollars shall be used for the expenses of  
 4 courts-martial, the transportation, subsistence and pay of the officers and men of the  
 5 Illinois National Guard, and for their proper clothing and equipments, while on duty,  
 6 as hereinbefore and hereinafter provided.

§ 3. All unexpended sums of the said appropriation may be used as a contingent  
 2 military fund, in emergencies, on the order of the Governor and Commander-in-Chief.

## ARTICLE IX.

### MEDICAL SERVICE.

SECTION 1. The Medical Staff of the Illinois National Guard shall have charge of  
 2 that branch of the service, under the supervision of the Surgeon General.

§ 2. Upon proper requisition, approved by the Surgeon General and sanctioned by  
 2 the Governor, the Quartermaster General shall direct the furnishing of a proper med-  
 3 ical chest and medical supplies to each Surgeon of a regiment or battalion, the expense  
 4 of which shall be met from military fund, on vouchers approved by the Governor.

§ 3. A Surgeon in charge in the field or at a camp of instruction, may contract for  
 2 and purchase such medical stores and supplies as in his judgment may be needed, and  
 3 for which he shall account, on forms provided by the Governor.

§ 4. The Surgeon General may prescribe the necessary forms and blanks necessary  
 2 for the work of his department, and all subordinate Surgeons of the entire Illinois Na-  
 3 tional Guard will obey his orders, and report so often as he may prescribe, the trans-  
 4 actions of their department.

## ARTICLE X.

### GENERAL PROVISIONS.

SECTION 1. The commanding officer of each regiment or battalion may, in his discretion, enlist and organize a band, under the leadership of the principal musician of his command, not to exceed 16 in number, for a regiment, and 12 for a battalion, who shall be subject to the orders of such leader, and to be under the command of the regimental or battalion commander; and delinquents of such band shall be subject to the same penalties as are prescribed for all enlisted men.

§ 2. For each day's duty, when under orders from the Commander-in-Chief, or as a witness or a defendant, under summons from the President or Judge advocate of a court martial, officers and men shall be paid as hereinbefore provided for camp duty.

§ 3. Under the approval of the Governor, the Quartermaster General shall purchase, from time to time, wall tents for the troops, sufficient for one brigade; which tents shall be kept at the State arsenal, to be forwarded to the general camps of instruction authorized by law, and for the shelter and accommodation of the troops while on duty.

§ 4. The Quartermaster General shall also, under the approval of the Governor, purchase and keep on hand a supply of blankets sufficient to accommodate a brigade, and which shall be forwarded with the tents, or issued to regiments, to be accounted for by the Quartermaster of regiments on forms prescribed for such stores. The Quartermaster General may also contract for and purchase the necessary camp and garrison equipage for one brigade, to be used for camp instruction; and he will supply all deficiencies occasioned by the wear and uses of service; and all contracts and payments must be upon certified vouchers approved by the Governor, payable by warrant drawn against the military fund.

§ 5. The Quartermaster General shall, once in three years, or when the occasion seems to require it, provide each enlisted man of the Illinois National Guard with a fatigue uniform of the prescribed pattern in use by the regular army, consisting of an overcoat, blouse, pants and cap; contracts for which shall be made under the approval of the Governor. But any organization of the Illinois National Guard may adopt any uniform for parade occasions at their own expense; but such uniform shall not be worn

7 except by permission of the Commander-in-Chief, when such organizations are on  
8 duty, as prescribed by law.

§ 6. There shall be provided by the Quartermaster-General, such books of record  
2 and books of instruction as may be necessary for the proper performance of the various  
3 duties required by the code, the same to be paid for on bills of particulars approved  
4 by the Governor, and drawn from the military fund.

§ 7. The Quartermaster of a brigade, or acting Quartermaster for the time being,  
2 may contract for hay, straw and fuel for the use of the troops while in camp, or when  
3 called into active service, and shall issue his vouchers therefor. That drawn for use in  
4 camps of instruction to be paid for from the military fund.

§ 8. Whenever a single regiment or a detachment of more than one company are  
2 ordered out for active service, the Quartermaster of such regiment or battalion will at  
3 once proceed to arrange, in advance of each day's march, for quarters and subsistence  
4 of the regiment, battalion or detachment (if not provided for by the State), the commanding  
5 officer of such detachment, battalion or regiment, issuing the necessary orders  
6 therefor. If a brigade is ordered on duty, then the Brigade Commissary shall arrange  
7 for the subsistence.

§ 9. All general and special orders now in force, or which may hereafter be issued  
2 by competent authority in reference to the conduct of troops, at their stations or in the  
3 field, must be regidly obeyed and respected.

§ 10. The rules and regulations attached to the code, as approved by a Board of officers  
2 to whom the matter was referred, must in all cases be held as binding upon the  
3 Illinois National Guard, until revoked by order of the Governor, and all general orders  
4 issued hereafter, shall be considered as a portion of the code, until revoked by  
5 competent authority.

§ 11. The Assistant Adjutants General of brigade, and the Adjutants of each  
2 regiment or battalion, shall be allowed and paid the sum of \$25.00 (twenty-five dollars)  
3 annually for extra services, from the military fund.

§ 12. There shall be paid to each officer, detailed by competent authority to perform  
2 the duties of another, the pay and allowance of the grade or office so filled.

§ 13. No military company shall leave the State with arms and equipments without



the consent of the Commander-in-Chief, and any company so offending, may be disbanded by the Governor.

§ 14. It shall not be lawful for any body of men whatever, other than the regular organized Volunteer Militia of this State, and the troops of the United States, to associate themselves together as a military company or organization, or to parade in public with arms in any city or town of this State, without the license of the Governor thereof, which may at any time be revoked; And provided, further, that students in educational institutions where military science is a part of the course of instruction, may, with the consent of the Governor, drill and parade with arms in public, under the superintendence of the teachers.

§ 15. Whoever offends against the provisions of the preceding section, or belongs to or parades with any such unauthorized body of men with arms, shall be punished by a fine not exceeding \$10 (ten dollars), or by imprisonment in the common jail for a term not exceeding six months, or both.

§ 16. All officers traveling under orders from the Commander-in-Chief shall be paid the per diem allowance of his rank and the mileage, as for camp duty as hereinbefore prescribed.

§ 17. The Commander-in-Chief may order out any portion of the Illinois National Guard for escort or other duties, and may authorize the use of a band for the same.

§ 18. The Adjutant General, under the approval of the Commander-in-Chief, shall direct the manner in which the apportionment of armory rent and insurance shall be made.

§ 19. That no officer connected with the military service of this State, shall employ attorney or counsellor at the expense of the State.

§ 20. The Governor and Commander in-Chief may, for good reasons, discharge any enlisted man from the service, and may in mitigation of a sentence of a General or Regimental Court Martial, discharge an enlisted man, or suspend the action of such court altogether.

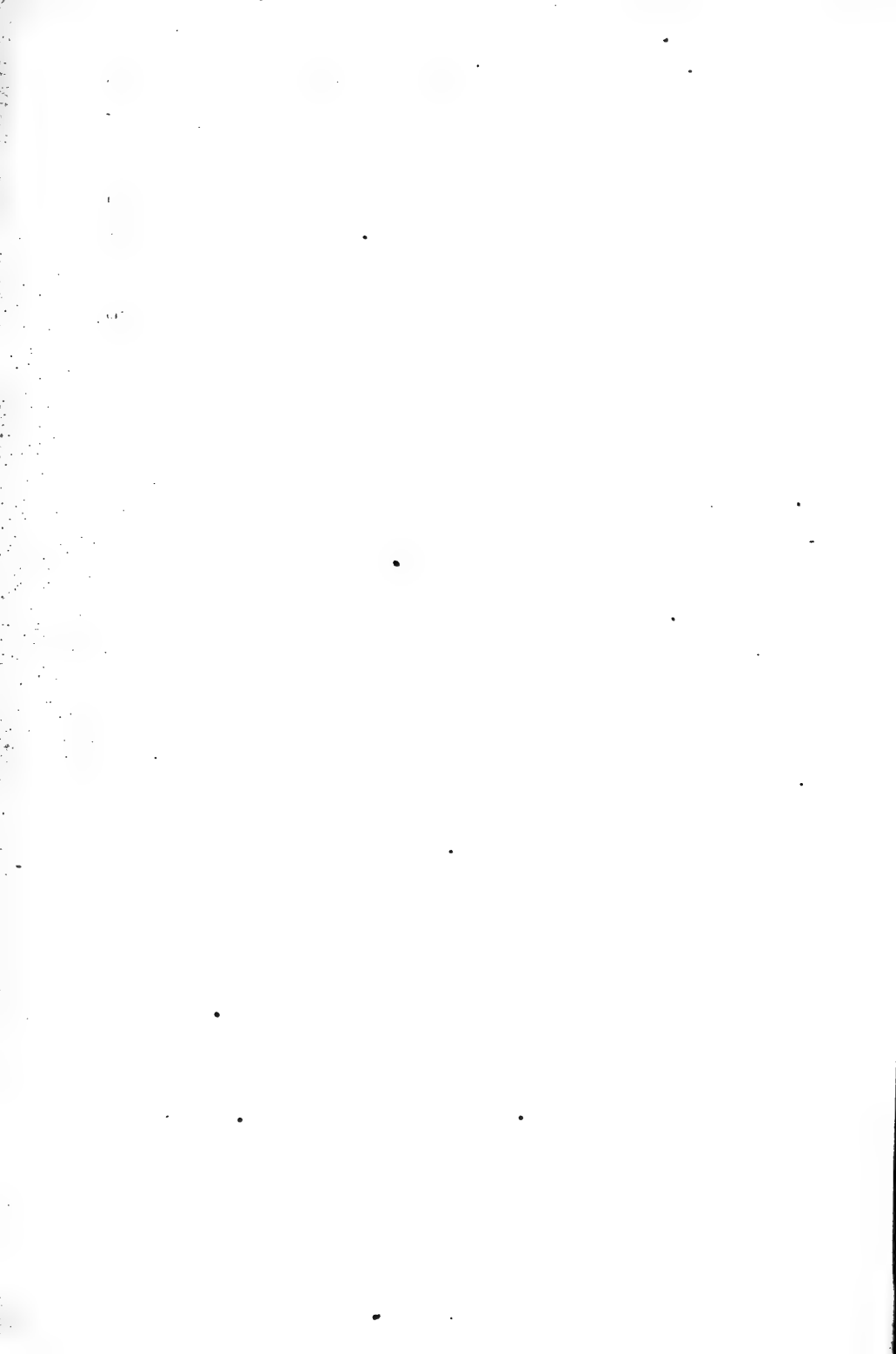
§ 21. The Chief of Artillery shall perform the duty of inspection for his branch of the service, reporting to the Inspector General in the same manner and form as hereinbefore prescribed for the duties of Assistant Inspector.

§ 22. All acts or parts of acts in conflict with the provisions of this act, are hereby

2 repealed. *Provided, however,* That any matter or proceedings begun under the laws as  
3 heretofore existing, shall not be discontinued by the passage of this act, but may be  
4 fully concluded as if this act had not been passed.

§ 23. The amount set apart as a military fund under the act of 1877, accruing from  
2 the assessment made for the current year, shall be, when collected, turned into the  
3 general treasury.

§ 24. WHEREAS, A necessity exists for a more perfect organization of the militia;  
2 therefore this act shall take effect and be in force from and after its passage.



1. Introduced by Mr. Munn, January 17, 1879, and ordered to first reading.
2. First reading January 17, 1879, and referred to Committee on Military Affairs.
3. January 29, ordered printed for use of Committee.

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## A BILL

For an Act to amend an act entitled An Act to provide for the organization of the State Militia, and entitled "The Military Code of Illinois."

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### ARTICLE I.

#### LIABILITY AND EXEMPTION.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly,* That all able-bodied male citizens of this State, between the ages of eighteen and forty five years, except such as are expressly exempted by the laws of the United States, or are State or County officers, or on account of their profession or employment, are exempted by the Commander-in-Chief, shall be subject to military duty and designated as the Illinois State Militia.

#### ENROLLMENT.

§ 2. When it is necessary to execute the laws, suppress insurrection, or repel invasion, or to quell riots, or when a requisition shall be made by the President of the United States for troops, the Governor, as Commander-in-Chief, may, by his proclamation, require the enrollment of the militia of the State, or of such portion thereof as may be necessary, and he shall appoint necessary enrolling officers, and prescribe their duties, issuing all proper orders that may be required in the premises. He may designate the place of rendezvous, provide for the organization of the militia into companies, battalions, regiments and brigades, and their equipments, as the case may require. The militia, when called into active service, shall receive the same pay and subsistence as is provided for like troops in the service of the United States.

§ 3. The active militia shall be designated as the "Illinois National Guard," and shall be recruited by volunteer enlistments. The entire State shall compose one division of not more than three brigades, to be commanded by one Major General and three Brigadier Generals. The Commander-in-Chief shall assign all regiments, battalions and companies to such brigades as he shall think proper. All enlistments therein shall be for five years, and made by signing enlistment papers, prescribed by the Adjutant General, and taking the following oath\* or affirmation, which may be administered by the enlisting officer, to-wit: "You do solemnly swear (or affirm) that you will bear true allegiance to the United States and the State of Illinois, and that you will support the constitutions thereof; that you will serve the State of Illinois faithfully in its military service, for the term of five years, unless sooner discharged, or you cease to become a citizen thereof; that you will obey the orders of the Commander-in-Chief, and such officers as may be placed over you, and the laws governing the military forces of Illinois, so help you God." This oath may be administered by any commissioned officer, or in his absence, by any officer authorized by law to administer oaths.

§ 4. The Staff of the Commander-in-Chief shall consist of an Adjutant General, an Inspector General with rank as Brigadier General, Chief of Artillery with rank of Brigadier General, Chief of Cavalry with rank of Brigadier General, and Surgeon General with rank of Brigadier General, and such other officers as he may think proper to appoint. The Adjutant General shall rank as a Major General. He shall issue and transmit all orders of the Commander-in-Chief, with reference to the militia or military organizations of the State, and shall keep a record of all officers commissioned by the Governor, and of all general and special orders and regulations, and of all such matters as pertain to the organization of the State Militia and the duties of an Adjutant and Quartermaster General. He shall have charge of the State Arsenal and grounds, and shall receive and issue all Ordnance and Ordnance Stores, and Camp and Garrison Equipage, on the order of the Commander-in-Chief. He may appoint, with the approval of the Governor, a Clerk, at a salary of not more than \$1,000 (one thousand dollars) per year, and an Ordnance Sergeant, at a salary of not more than \$600 (six hundred dol-

16 lars) per year, who shall, under the direction of the Adjutant General, aid and assist  
17 him in the discharge of his duties. The Adjutant General shall receive for his servi-  
18 ces \$3,000 (three thousand dollars) per year.

§ 5. He shall have charge of and carefully preserve the Colors, Flags, Guidons,  
2 and Military Trophies of war belonging to the State, and shall not allow the  
3 same to be loaned out or removed from their proper place of deposit. He shall  
4 furnish, at the expense of the State, all proper blank books, blanks and forms, and  
5 such military instruction books as shall be approved by the Commander-in-Chief.  
6 He shall also, on or before the first day of October next preceding the regular session  
7 of the General Assembly, and at such other times as the Governor shall require, make  
8 out a full and detailed account of all the transactions of his office, with the expenses of  
9 the same for the preceding two years, and such other matters as shall be required by  
10 the Governor. He shall reside at the State Capital, and shall hold his office during the  
11 pleasure of the Governor.

12 The Generals of Division Brigades shall be appointed by the Governor, and shall hold  
13 their office until removed by court-martial or resignation, on recommendation of the  
14 General of Division. The Governor shall appoint and commission the following as the  
15 Division Staff: Chief of Staff, with rank of "Colonel;" Assistant Adjutant General,  
16 with rank of Lieut. Colonel; Assistant Inspector, with rank of Lieut. Colonel; Sur-  
17 geon, with rank of Lieut. Colonel; Quartermaster, with rank as Major; Commissary  
18 with rank as Major; Judge Advocate, with rank as Lieut. Colonel; Paymaster, with  
19 rank as "Captain," and two Aids-de-Camp, with rank as First Lieutenants. On recom-  
20 mendation of Brigade Commanders, the Governor shall appoint and commission the  
21 Brigade Staff, as follows: Assistant Adjutant General, with rank as Major; Assistant  
22 Inspector General, with rank as Major; Judge Advocate, with rank as Major; Surgeon,  
23 with rank as Major; Quartermaster with rank as "Captain;" Commissary with rank as  
24 "Captain;" Paymaster, with rank as "Captain;" and two Aids-de-Camps, with rank as  
25 First Lieutenant.

26 A regiment of Infantry shall consist of not less than eight and not more than  
27 ten companies. A battalion shall consist of not less than two and not more than seven  
28 companies. A battalion of less than four companies shall be entitled to a Major, and  
29 when it has been augmented to four or more companies it shall be entitled to a Lieut-

tenant Colonel. The Colonel, Lieutenant Colonel and Major of all battalions and regiments shall be elected by the officers thereof. The Regimental Staff shall consist of a Surgeon, with the rank of Major; Assistant Surgeon, with the rank of Captain; Chaplain, with the rank of Captain; Adjutant, with the rank of Captain; Quartermaster, with the rank of First Lieutenant, who shall be appointed and commissioned by the Governor, on recommendation of the Regimental or Battalion Commander. The Colonel of each regiment shall appoint by warrant, countersigned by the Adjutant, a Sergeant Major, Quartermaster Sergeant, Commissary Sergeant, Hospital Steward, Color Sergeant, Ordnance Sergeant, Drum Major and two principal Musicians, who shall constitute the non-commissioned staff. All field officers shall hold their offices for five years. The commissions of all staff officers shall expire when the successor of the officer nominating them shall make new nominations to their respective office, and such nominations may be confirmed by the Commander-in-Chief.

§ 6. A battalion of cavalry shall consist of not more than four nor less than two companies. Each battalion of two or more companies shall be entitled to a Major, and of four companies to a Lieutenant Colonel, and the same staff officers as a battalion of infantry, with the addition of a Commissary, with the rank of First Lieutenant. The non-commissioned staff of a battalion of cavalry shall consist of a Sergeant Major, Quartermaster Sergeant, Commissary Sergeant, Hospital Stewart, Color Sergeant, Chief Trumpeter, Farrier Sergeant, a Saddler Sergeant, and shall be appointed in the same manner as provided for a battalion of infantry.

A company of Infantry shall consist of a Captain, a First Lieutenant, a Second Lieutenant, five Sergeants, four Corporals, two Musicians, and not less than forty not more than one hundred privates and non-commissioned officers.

A company of Cavalry or Artillery shall have, in addition to these officers, a Commissary-Sergeant, a Quartermaster-Sergeant and Farrier; provided that a company of Artillery having more than two guns, shall be entitled to an additional Second Lieutenant.

Company officers shall be elected by the members of the company, and shall hold their office for three years. All non-commissioned officers of companies, on recommendation of their Captain, shall be appointed by the warrant of the battalion commander countersigned by the Adjutant.

§ 7. All meetings for the election of officers to fill vacancies, shall be ordered by the

2 Brigade Commander. The orders therefor shall be addressed to an officer of his  
3 command to preside at such meeting, who shall, at least one week previous there-  
4 to, send a notice thereof by mail, to each person entitled to vote thereat. The  
5 voting shall be by ballot and a majority of all votes cast shall be necessary to elect, and  
6 the result thereof shall be forthwith returned by the officer presiding, through the  
7 regimental or battalion Commandant to the Adjutant General. If there shall  
8 be a failure to elect any officer at two meetings ordered therefor, the Commander  
9 in-Chief may fill the vacancy by direct appointment. If the officer designated to pre-  
10 side at such meeting shall not appear thereat, the senior officer present shall preside.

11 An examining board of three or more competent officers appointed by the Di-  
12 vision Commander, shall convene at such times and places as he shall direct, and  
13 examine in military tactics all commissioned officers below the rank of Brigadier Gen-  
14 eral who shall be ordered before it. The Division Commander shall give at least two  
15 weeks' notice to all such officers to appear thereat. Said board shall, in twenty days  
16 after such examination, make a detailed report of its result, and on recommendation  
17 of the Division Commander, the Governor shall revoke appointments of all officers  
18 failing to pass an examination satisfactory to said board. If any officer shall fail to  
19 appear for examination, on receiving proper notice, he may be allowed an opportunity  
20 for examination at the next session of the board, if he shall give a satisfactory excuse  
21 for his absence: *Provided*, That no officer who has passed a satisfactory examination  
22 shall be re-examined.

23 Every company, battalion and regiment may make by-laws for its government  
24 not in conflict with this act, or with general orders or regulations, which shall be bind-  
25 ing upon the members.

26 Every officer, non-commissioned officer, musician and private of the Illinois  
27 National Guard, shall be held to duty for the full term of five years, unless regularly  
28 discharged for good and sufficient cause by the commandant of his regiment, battalion  
29 or battery, approved by the Commander-in-Chief. In every case of the discharge of an en-  
30 listed man, the commanding officer of his company shall certify to the facts on which the  
31 application is based, through intermediate commanders, to the Adjutant General, for the  
32 approval or disapproval of the Commander-in-Chief; and each Commander shall



33 endorse thereon his approval or disapproval. In case of application for discharge or  
34 certificate of discharge for disability, such application shall take the same course, and  
35 shall also have the certificate of the proper medical officers endorsed thereon.

36 Whenever any company of the State Guard shall become reduced to a number less  
37 than forty non-commissioned officers and privates, uniformed and active members, it  
38 may be disbanded or consolidated with another company, by the Commander-in-Chief.

39 The organization, equipment, discipline and military regulations of the Illi-  
40 nois National Guard shall conform to the regulations for the government of the army  
41 of the United States in all cases, except as herein otherwise provided, and all orders  
42 and regulations governing troops, not in conflict with the constitution of this State and  
43 the provisions of this act, shall be binding upon all members of the Illinois National  
44 Guard.

#### EXEMPTIONS.

SECTION 8. Every officer, non-commissioned officer, musician and private of the  
2 Illinois National Guard shall be exempt from jury duty, from payment of road, labor  
3 and head or poll tax of every description during the time he shall hold a commis-  
4 sion as officer, or, be enrolled as an enlisted man in the Illinois National Guard. The  
5 uniforms, arms and equipments of every member of the Illinois National Guard shall  
6 be exempt from all suits, distresses, executions or sales for debt or payment of taxes:  
7 *Provided*, That no property of any kind or nature whatsoever, shall be exempt from ex-  
8 ecution issued for fines lawfully assessed by any officer, company, battalion or Court  
9 martial, or on judgment obtained thereon, against any member of the Illinois National  
10 Guard. The members thereof shall, in all cases except treason, felony, or breach of  
11 the peace, be privileged from arrest during their attendance at drills, parades, en-  
12 campments and the election of officers, and in going to and returning from the same.

#### PARADES AND ENCAMPMENT.

SECTION 9. The commandant of each regiment and battalion may order monthly or  
2 semi-monthly evening drills by the companies of his command, from October to April  
3 inclusive.

4 The Illinois National Guard shall parade for drill six days annually by company,  
5 regiment or brigade, as ordered by the Division Commanders.

6 The commanding officer of any encampment or parade may cause those under  
7 his command to perform any field or camp duty he shall require, and may put under  
8 arrest, during such encampment or parade, any member of his command who shall dis-  
9 obey a superior officer, or be guilty of disorderly or unmilitary conduct, and any other  
10 person who shall trespass on the parade or encampment ground, or in any way inter-  
11 rupt or molest the orderly discharge of duty by the members of his command, and he  
12 may prohibit the sale of all spirituous or malt liquors within one mile of such camp-  
13 ment, and enforce such prohibition by force, if necessary: *Provided, however,* That noth-  
14 ing herein contained shall be construed to interfere with the regular business of any  
15 liquor dealer whose place of business shall be situated within said limits.

16 The Division Commander shall direct such target practice at the annual parades  
17 and encampments as he may deem expedient, and he may command at each general  
18 encampment, and report the conduct and discipline thereof, to the Commander-in-  
19 Chief.

#### ARMS AND ARMORIES.

SECTION 1. Upon the organization of any company or battalion of the Illinois Na-  
2 tional Guard, on the requisition of its commanding officer, and the approval of the  
3 Governor, the Quartermaster-General shall issue all necessary ordnance and ordnance  
4 stores: *Provided, however,* That when any arms or munition are delivered to any com-  
5 mander, he shall execute and deliver to the Adjutant-General a bond, payable to the  
6 People of the State of Illinois, in a sufficient amount and with sufficient sureties, to be  
7 approved by the Governor, conditioned for the proper use of such arms and munition,  
8 and the return of the same when requested by the proper officers, in good order, wear,  
9 use and unavoidable loss and damage excepted. All such arms and munitions shall be  
10 kept at the company or regimental armory.

§ 2. The Inspector General shall rank as a Brigadier-General. He shall critically  
2 inspect, as often as he may deem necessary, every branch connected with the military  
3 service, including armories, arsenals, and military store-houses; and he shall report  
4 to general headquarters the improvement in discipline and tactical instruction of the  
5 Illinois National Guard, as well as other matters appertaining to his department. He  
6 shall thoroughly organize the Inspector General's Department, and shall prescribe the  
7 rules and regulations for its government, and shall decide upon the necessary blank

forms required by his department, and see that the same are forwarded at the proper time.

§ 3. In the corps of Inspector General there shall be an Assistant Inspector General, with the rank of Lieutenant Colonel, who shall be the Division Inspector, and who shall be on the staff of the Division Commander, and there shall also be an Assistant Inspector General, with the rank of Major, for each brigade of the Division, and who shall be on the staff of the Brigade Commander.

§ 4. The entire Illinois National Guard and all armories, ordnance stores and camp equipage belonging to the State, shall be inspected at least once in each year, under such rules and regulations as may be provided by the Inspector General, with the approval of the Commander-in-Chief, and all the necessary traveling expenses incurred therein, shall be paid on the requisition in the same manner as heretofore provided for the payment of rent of armories.

§ 5. Commandants of regiments, battalions, troops, batteries, and companies, shall furnish to the Inspector-General such information as he may require as to the number and kind of arms, equipments and military property of the State issued to their respective regiments, battalions, troops, batteries, and companies; and at the conclusion of the inspection of any armory, arsenal or military store-house, if the Inspector-General finds the property which ought to be kept therein, or any part of it, missing, injured, unfit for use, or deficient in any respect, he shall forthwith report the facts in respect thereto, to the Commander-in-Chief.

§ 6. In his annual report the Inspector General shall state what general and field officers have been in command of parades and encampments, what changes of general and field officers have been made, and what degree of improvement has been attained, by both officers and men, and whether the general regulations have been observed, together with such other suggestions as he may see fit to make.

§ 7. The Division and Brigade Inspectors, whenever required by the Inspector General, shall report to him the condition of their respective divisions or brigades, and shall also, upon his request report to him upon any matter properly belonging to his department which may require examination, within their respective division or brigade districts. All such reports shall be addressed to the Inspector General, but shall be forwarded through the commandants of their respective brigades and divisions

7 The armory of each regiment, battalion or company shall be subject to the orders  
 8 of the Adjutant General, be under the charge of its commanding officer, who shall  
 9 keep therein all property furnished by the State. And no company shall be furn-  
 10 ished with arms or equipments until a suitable armory shall be provided for their de-  
 11 posit. Nor shall such arms be loaned, or taken from such armories by individual  
 12 members of companies. Any officer, non-commissioned officer or private of the Illinois  
 13 National Guard knowingly making any false certificate, or false returns of State prop-  
 14 erty in his hands, or neglecting or refusing to apply all money drawn from the State  
 15 Treasurer for the purpose named in the requisition therefor, shall be guilty of embex-  
 16 zlement and fraud, and shall be punished in the manner as provided for like offenses  
 17 in the criminal code of this State.

## ARTICLE XI.

### RIFLE PRACTICE BY NATIONAL GUARD AND THE APPOINTMENT OF INSPECTORS OF RIFLE PRACTICE.

SECTION 1. There shall be a general Inspector of rifle practice, who shall have charge  
 2 of rifle practice throughout the State, and who shall direct the manner in which the  
 3 same shall be conducted. He shall rank as Colonel, and shall be a member of the  
 4 staff of the Commander-in-Chief. The General Inspector of rifle practice shall re-  
 5 port direct to the Inspector General.

§ 2. There shall be a Division Inspector of Rifle Practice with the rank of Lieuten-  
 2 ent Colonel and inspector for each brigade with the rank of Major and an inspector for  
 3 every regiment and battalion of the National Guard with the rank of Captain. These  
 4 inspectors of Rifle Practice shall be selected by the commanding officers, named respect-  
 5 ively, and upon being nominated to the Governor shall be commissioned as such Inspec-  
 6 tors of Rifle Practice with the rank named, and assigned to duty on the staff of com-  
 7 manding officers of divisions, brigade, regiments or battalions.

§ 3. The division, brigade, regimental and battalion Inspectors of Rifle Practice  
 2 shall perform such duties as may from time to time be prescribed by the General In-  
 3 spector of Rifle Practice with the approval of the Inspector General.

§ 4. On the approval of the Commander-in-Chief expenditures may be made from  
 2 the appropriations for military purposes for service and expenses  
 3 in maintaining rifle range, for furnishing ammunition; for printing the necessary rules,

4 regulations, circulars and blanks, for marksman badges and for necessary expenses in-  
5 curred by inspectors, and for promoting generally Rifle Practice in the Illinois Nation-  
6 al Guard.

## ARTICLE XII.

### FINES AND COURT-MARTIAL.

SECTION 1. Every non-commissioned officer, musician and private, absent without  
2 leave or excuse satisfactory to his commanding officer, from any parade, drill or en-  
3 campment, shall be fined three dollars (\$3.00) for each day of absence, and for any un-  
4 soldierly conduct at drill, parade or encampment, he may be fined not more than ten dol-  
5 lars (\$10.00) by his commanding officer, who shall notify him of such fine within ten  
6 days after such absence or offense. If such fine is not paid within ten days after such  
7 notice, suit may be brought for its recovery in the name of the organization to which  
8 the offender belongs, before any Justice of the Peace of the county where such fine is  
9 imposed, or where the offender resides; and execution shall issue on any judgment re-  
10 ceived in such proceeding as in an action of tort. Such fine, when collected, shall  
11 be paid into the treasury of the company, troop or band to which the offender belong.  
12 Nothing herein shall be construed to prevent any company or band imposing such fines  
13 upon its members as it may think proper in its by-laws; which fines may be enforced  
14 in the same manner as hereinbefore provided for the collection of fines for absence  
15 from drill, parade or encampment.

§ 2. Commissioned officers, for neglect of duty, disobedience of orders, or un-  
2 soldierly or ungentlemanly conduct, may be tried by court martial, according to the  
3 regulations provided in like cases in the army of the United States. The Division Com-  
4 mander, by order, shall designate the time and place of holding such courts, and the  
5 names of officers composing it, consisting of not less than three nor more than six.  
6 The senior officer named shall preside, and shall be of superior rank to the officer on  
7 trial, when practicable. Witnesses for the prosecution and defense may be summoned  
8 to attend by subpoena signed by the Judge Advocate. Any witness duly summoned,  
9 who shall fail to appear and testify may be, by warrant of the President of court, di-  
10 rected to the sheriff or any constable, arrested and treated as in like cases before civil  
11 courts. The fees of all witnesses shall be the same as allowed in civil cases, to be

12 taxed with the necessary expenses of the Judge Advocate and the court, by the Presi-  
 13 dent or the court, and paid by the State Treasurer, on the Auditor's warrant, to the  
 14 Judge Advocate, who shall pay all the expenses of the trial, when received by him.  
 15 A regimental court-martial for the trial of enlisted men, may be ordered by the Di-  
 16 vision Commander on application of the commander of any regiment or battalion.

§ 3. No court-martial, in the time of peace, shall order any punishment other than  
 2 a reprimand, or fine of not more than one hundred dollars, and cashiering, with disabil-  
 3 ity of holding any office in this State, or either of them. Said fine shall carry with it  
 4 all the costs of the trial, and shall be collected by the Sheriff on the warrant of the  
 5 President, endorsed with the approval of the Division Commander, as on executions  
 6 issued in actions of tort, and he shall pay them to the State Treasurer on account of  
 7 the military fund.

§ 4. The sentences of courts-martial shall be approved or disapproved by the Com-  
 2 mander-in-Chief, who may mitigate or remit any punishment awarded by sentence of  
 3 court-martial, when such sentence shall have been approved by the Division Comman-  
 4 der. The record of all the proceedings and the sentence of a court-martial, in every  
 5 case, with the order approving or disapproving it, shall be deposited in the office of  
 6 the Adjutant-General.

## ARTICLE XXII.

### PAY AND ALLOWANCE.

SECTION 1. The active enrolled Illinois National Guard shall be paid as follows:

2 For every mile traveled going to and from the regular battalion or brigade encamp-  
 3 ment authorized by law, by the most direct route, mounted commissioned officers or  
 4 enlisted men, five (5) cents per mile; dismounted officers and men, three (3) cents per  
 5 mile.

§ 2. There shall be allowed and paid to officers and men of the Illinois National  
 2 Guard, on rolls and accounts of such form as may be prescribed by the Commander-  
 3 in-Chief, for each day's duty in camp, or going or returning from the same,

4 General officers	-	-	-	-	-	\$6 00
5 Field and Staff Officers, except Inspectors	-	-	-	-	-	5 00
6 Other Commissioned Officers	-	-	-	-	-	3 00

7	Members of Bands	-	-	-	-	-	2 00
8	Enlisted men, pay and subsistence	-	-	-	-	-	1 50

§ 3. The Paymaster of each brigade shall be furnished with made-up rolls by the

Adjutant General whenever payment is due the troops, and they shall proceed under orders issued by the Governor, to pay the troops represented on these rolls in person. And no payment shall be made but to the actual person to whom such payment is due, or to his authorized attorney. As soon as the payment is concluded, the rolls shall be forwarded to the Adjutant General, with a proper endorsement thereon, certifying that payment was duly made. Such rolls shall be made out in triplicate; one copy to be retained by the command paid, one copy to be filed in the Adjutant General's office, and one copy in the office of the State Auditor.

§ 4. The Paymaster shall also pay all claimants, by warrant from the Auditor's office, for sums drawn from the military fund, and shall give a good and sufficient bond, on forms prescribed by the Governor, in the sum of \$10,000, for the faithful performance of his duties, making return on all such transactions to the Quartermaster General's office for the approval of the Governor.

§ 5. The incidental expenses necessary for the establishment and carrying on of Division, Brigade and Regimental Headquarters shall be met from the military fund subject to the approval of the Governor, and all requisitions for military expenses proper to be paid from said military fund must be made in triplicate upon forms prescribed by order and regulations, must be directed to the Governor, who being satisfied that said requisitions are in compliance with this act, shall cause one copy to be filed in the office of the Adjutant General, and two copies in the office of the Auditor of State with his approval. The Auditor shall then draw his warrant for the amount named in said requisition payable to a Brigade Paymaster who shall proceed at once to pay the claimant designated in said requisition.

## ARTICLE XIV.

### APPROPRIATIONS.

SECTION 1. There is hereby appropriated and set apart, as a military fund in this State, the sum of two hundred thousand dollars annually. Forty thousand dollars of which shall be used and applied for the payment of the rent of an armory, fuel, lights

4 and insurance thereon, for each company of the Illinois National Guard; which  
 5 sum shall be apportioned to each company by the Adjutant General, under the ap-  
 6 proval of the Governor, based upon the number of enlisted men regularly reporting  
 7 for duty. Three thousand dollars shall be expended for target practice as hereinbefore  
 8 provided. The remainder of said sum of money so appropriated shall be used for the  
 9 expenses of courts-martial, the transportation, subsistence and pay of the officers and  
 10 men while in camp or on regimental drill, in manner as hereinbefore provided.

§ 2. All unexpended sums of the said appropriation may be used as a contingent  
 2 military fund, in emergencies, on the order of the Commander-in Chief.

§ 3. The Medical Staff of the Illinois National Guard shall consist of one Surgeon  
 2 General, with rank as Brigadier General, on the staff of the Governor, and of Division,  
 3 Brigade, Regimental and Battalion Surgeons and Assistant Surgeons, as hereinbefore  
 4 designated.

§ 4. Upon proper requisition, approved by the Surgeon General and sanctioned by  
 2 the Governor, the Quartermaster General shall direct the furnishing of a proper med-  
 3 ical chest and medical supplies to each regiment or battalion, the expense of which  
 4 shall be met from the military fund, on vouchers approved by the Governor.

§ 5. A Surgeon in the field may contract for and purchase such medical stores as  
 2 in his judgment may be needed, and for which he shall account, on forms prescribed  
 3 by the Governor.

#### GENERAL PROVISIONS.

SECTION 1. The commanding officer of each regiment or battalion may, in his dis-  
 2 cretion, enlist or organize a band, under the leadership of a principal musician of  
 3 his command, not to exceed 16 in number, for a regiment, and 12 for a battalion, who  
 4 shall be subject to the orders of such leader, and under the command of the reg-  
 5 imental or battalion commander; and delinquents of such band shall be subject to the  
 6 same penalties as are prescribed for all enlisted men.

§ 2. For each day's duty, when under orders from the Commander-in-Chief, or as a  
 2 witness or a defendant, under summons from the President or Judge advocate of a  
 3 court martial, officers and men shall be paid as hereinbefore provided for camp duty.

§ 3. Under the approval of the Governor, the Quartermaster General shall pur-



chase, from time to time, wall tents, 9 by 9, at contract prices, sufficient for one brigade; which tents shall be kept at the State arsenal, to be forwarded to the general camps of instruction authorized by law, and for the shelter and accommodation of the troops while on such duty.

§ 4. The Quartermaster General shall also purchase and keep on hand blankets sufficient to accommodate 2,000 men which shall also be forwarded with the tents to Brigade Camps of Instruction.

§ 5. He shall also contract for and purchase at the lowest market price haversacks, canteens, camp kettles, cups and plates, knives, forks and spoons sufficient for one brigade to be used for the same purposes as specified in the proceeding Section. And all contracts and payments must be upon certified vouchers approved by the Governor, and on warrants drawn against the military fund.

§ 6. Every organization of the Illinois National Guard shall be provided out of the military fund, a fatigue uniform of the prescribed pattern in use by the Regular Army, consisting of an overcoat, blouse, pants and cap, and with such camp and garrison equipage as may be deemed necessary by the Commander-in-Chief. But any organization of the Illinois National Guard, may adopt any other uniform than that prescribed, at their own expense; but such uniform shall not be worn except by permission of the Commander-in-Chief, when such organization are on duty as prescribed by law or under his orders.

§ 7. There shall be provided by the Quartermaster-General, such books of records, and books of instruction as may be necessary for the proper performance of the various duties required by this code, the same to be paid for on bills of particulars approved by the Governor, and drawn from the military fund.

§ 8. The Quartermaster of a brigade, or acting Quartermaster for the time being may contract for hay, straw and fuel for the use of the troops while in camp, and shall issue his vouchers therefor, which when approved by the Quartermaster General and Governor, shall also be paid from the military fund in like manner as is provided in all transactions of such character.

§ 9. All general or special orders issued by competent authority in reference to the conduct of troops, at their station or in the field, must be rigidly obeyed and respected.

§ 10. The Assistant Adjutant General of Division and Brigade, and each Adju-

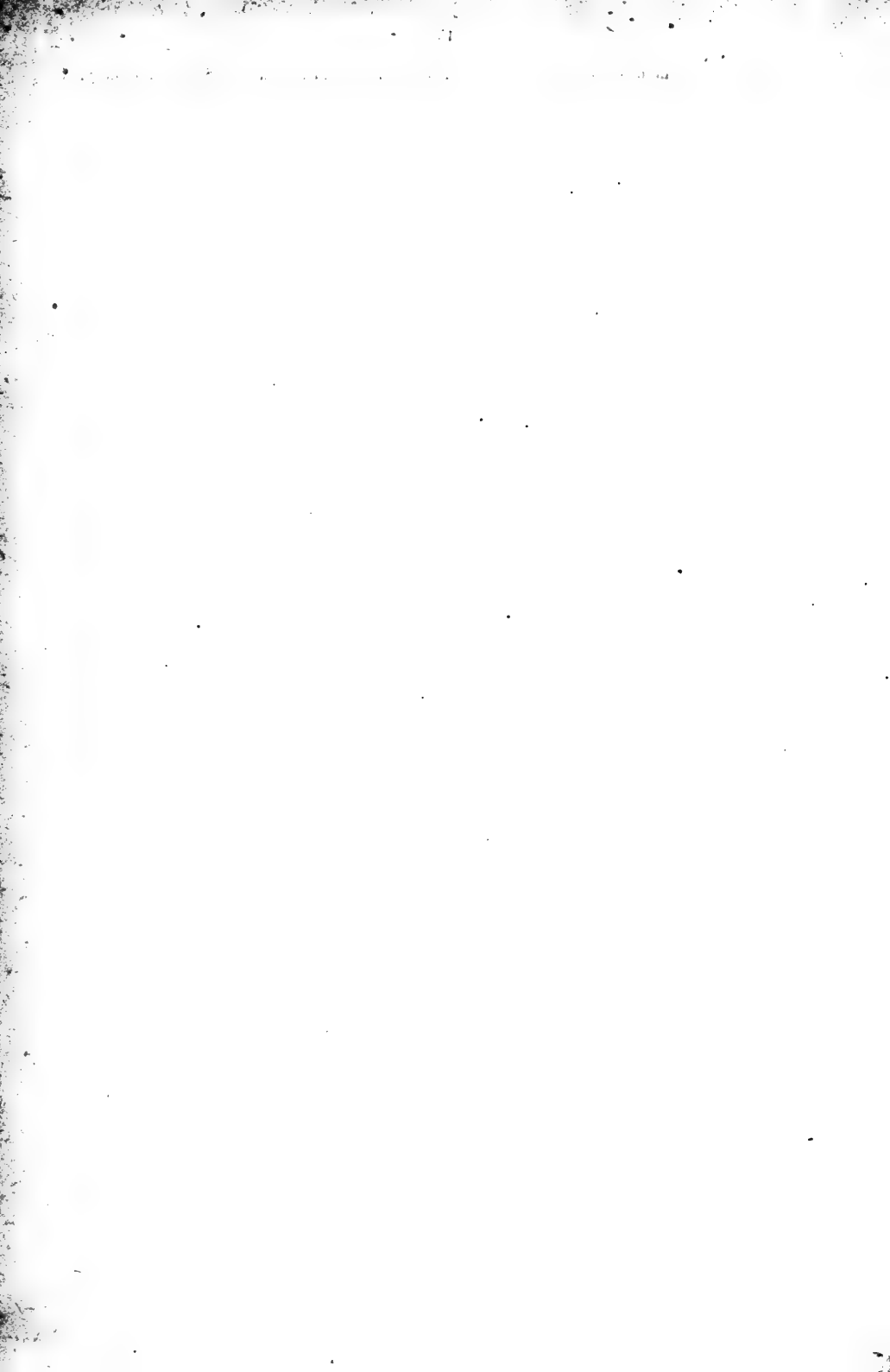
2 tant of a regiment or battalion, shall be allowed and paid the sum of \$25.00 annually,  
 3 for extra writing.

§ 11. There shall be paid to each officer, detailed by competent authority to per-  
 2 form the duties of another, the pay and allowance of the grade or office so filled.

§ 12. No military company shall leave the State with arms and equipments without  
 2 the consent of the Commander-in-Chief, and any company so offending, in this par-  
 3 ticular, may be disbanded by the Commander-in-Chief.

§ 13. It shall not be lawful for any body of men whatever, other than the regular  
 2 organized Volunteer Militia of this State, and the troops of the United States, to  
 3 associate themselves together as a military company or organization, or to parade in  
 4 public with arms in any city or town of this State, without the license of the Governor  
 5 thereof, which may at any time be revoked; *And provided, further,* that students in  
 6 educational institutions where military science is a part of the course of instruction,  
 7 may, with the consent of the Governor, drill and parade with arms in public, under the  
 8 superintendence of their teachers.

§ 14. Whoever offends against the provisions of the preceding section, or belongs to  
 2 or parades with any such unauthorized body of men with arms, shall be punished by a  
 3 fine not exceeding the sum of \$10 (ten dollars), or by imprisonment in the common  
 4 jail for a term not exceeding six months, or both.



1. Introduced by Mr. Herdman, January 17, 1879, and ordered to first reading.
2. First reading January 17, 1879, and referred to Committee on Judicial Department.
3. Reported back, passage recommended, and ordered to second reading January 30, 1879.

### A BILL

For an Act to amend an Act entitled, "An Act to provide for the election and qualification of Justices of the Peace and Constables, and to provide for the jurisdiction and practice of Justices of the Peace in civil cases, and fix the duties of Constables, and to repeal certain acts therein named," approved April 1, 1872; in force July 1, 1872.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly, That section thirty (30), of an act entitled "An Act to provide for the election and qualification of Justices of the Peace and Constables, and to provide for the jurisdiction and practice of Justices of the Peace in civil cases, and fix the duties of Constables, and to repeal certain acts therein named," approved April 1, 1872; in force July 1, 1872, be so amended as to read as follows :*

"SECTION 30. Previous to the commencement of any trial before a Justice of the Peace, or Police Magistrate, the defendant, or his or her agent, may make oath that it is the belief of such deponent, that the defendant cannot have an impartial trial before such Justice of the Peace or Police Magistrate ; whereupon, it shall be the duty of the Justice of the Peace or Police Magistrate immediately to transmit all the papers and documents belonging to the suit to the nearest Justice of the Peace or Police Magistrate in the same county, who is not of kin to either party, sick, absent from town, or interested in the event of the suit, as counsel or otherwise, who shall proceed as if

2

9 the suit had been instituted before him, anything in any special charter or law to the  
10 contrary notwithstanding: *Provided*, that distance, as contemplated in this section,  
11 shall mean to be by the nearest traveled route."

1. Introduced by Mr. Herdman, January 17, 1879, and ordered to first reading.
2. First reading January 17, 1879, and referred to Committee on Judicial Department.
3. Reported back, passage recommended, and ordered to second reading January 30, 1879.
4. February 6, 1879, second reading, amended and ordered to third reading.

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## A BILL

For an act to amend Section thirty (30) of an act entitled, "An Act to provide for the election and qualification of Justices of the Peace and constables, and to provide for the jurisdiction and practice of Justices of the Peace in civil cases, and fix the duties of constables, and to repeal certain acts therein named," approved April 1, 1872; in force July 1, 1872.

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**SECTION 1.** *Be it enacted by the People of the State of Illinois represented in the General Assembly,* That section thirty (30), of an act entitled "An Act to provide for the election and qualification of Justices of the Peace and constables, and to provide for the jurisdiction and practice of Justices of the Peace in civil cases, and fix the duties of constables, and to repeal certain acts therein named," approved April 1, 1872; in force July 1, 1872, be so amended as to read as follows:

"SECTION 30. Previous to the commencement of any trial before a Justice of the Peace, or Police Magistrate, the defendant, or his or her agent, may make oath that it is the belief of such deponent, that the defendant cannot have an impartial trial before such Justice of the Peace or Police Magistrate; whereupon, it shall be the duty of the Justice of the Peace or Police Magistrate immediately to transmit all the papers and documents belonging to the suit to the nearest Justice of the Peace or Police Magistrate in the same county, who is not of kin to either party, sick, absent from town, or interested in the event of the suit, as counsel or otherwise, who shall proceed as if the

9 suit had been instituted before him, anything in any special charter or law to the con-  
10 trary notwithstanding: *Provided*, that distance, as contemplated in this section, shall  
11 mean to be by the nearest traveled route."

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(In House.)

1. Reported from House February 21, 1879.
2. First reading March 3, 1879, and referred to Committee on Judiciary.
3. Reported back, passage recommended and ordered to second reading March 12, 1879.

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### A BILL

For an act to amend Section thirty (30) of an act entitled "An Act to provide for the election and qualification of Justices of the Peace and Constables, and to provide for the jurisdiction and practice of Justices of the Peace in civil cases, and fix the duties of Constables, and to repeal certain acts therein named," approved April 1, 1872, in force July 1, 1872.

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SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That section thirty (30) of an act entitled "An Act to provide for the election and qualification of justices of the peace and constables, and to provide for the jurisdiction and practice of justices of the peace in civil cases, and to fix the duties of constables, and to repeal certain acts therein named," approved April 1, 1872, in force July 1, 1872, be so amended as to read as follows:

"SECTION 30. Previous to the commencement of any trial before a justice of the peace or police magistrate, the defendant, or his or her agent, may make oath that it is the belief of such deponent that the defendant can not have an impartial trial before such justice of the peace or police magistrate; whereupon, it shall be the duty of the justice of the peace or police magistrate immediately to transmit all the papers and documents belonging to the suit to the nearest justice of the peace or police magis-



7 trate in the same county, who is not of kin to either party, sick, absent from town or  
8 interested in the event of the suit, as counsel or otherwise, who shall proceed as if the  
9 suit had been instituted before him, anything in any special charter or law to the con-  
10 trary notwithstanding: *Provided*, that distance, as contemplated in this section, shall  
11 mean to be by the nearest traveled route."

1. Introduced by Mr. Bash, January 18, 1879, and ordered to first reading.
2. First reading January 18, 1879, and referred to Committee on Counties and Township Organization.

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Amendments reported from the Committee on Counties and Township Organization to  
Senate Bill No. 84.

- Amend title : Strike out figures " 61 " and insert " 60 " in lieu thereof; also strike
- 2 out figures " 62 " and insert " 61 " in lieu thereof.
  - 3 Also in 8th line strike out " 61 " and insert " 60."
  - 4 9th line strike out " 62 " and insert " 61."
  - 5 14th line strike out " 61 " and insert " 60."
  - 6 26th line strike out " 62 " and insert " 61."

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**A BILL**

For an Act to amend sections 61 and 62 of an act entitled, "An act to revise the law in relation to Counties," approved and in force March 31, 1874.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General*

- 2 *Assembly,* That sections sixty-one (61) and sixty-two (62) of an act entitled, "An act
- 3 to revise the law in relation to Counties," approved and in force March 31, 1874, be
- 4 and the same hereby is amended so that it shall read as follows :

SECTION 61. Their terms of office shall begin on the first Monday of December after

- 2 their election, and they shall hold their office, respectively, until their successors are
- 3 elected and qualified. Each of said commissioners shall have been a resident of the
- 4 district from which he is elected for one year prior to his election. The provisions of

5 the general election law entitled, "An act for the registry of electors and to prevent  
6 fraudulent voting," shall be applied to all elections for Commissioners under this act.

§ 62. The said Commissioners shall, severally, before they enter upon the discharge  
7 of their duties, take the oath of office prescribed by the constitution; they shall be  
8 known as the Board of Commissioners of Cook County, and as such Board of Com-  
9 missioners shall have the management of the County affairs of said County, and shall  
10 exercise the same powers, perform the same duties, be subject to the same rules, regu-  
11 lations and penalties as prescribed by law for the Board of Supervisors, and shall be  
12 subject also to the rules, regulations and penalties hereinafter provided. The said Board  
13 of Commissioners shall have no power or authority to delegate to any committee, or  
14 other person or persons the "power to act" when such "power to act" shall involve  
15 the letting of any contract or the expenditure of public money, exceeding the sum of  
16 five hundred dollars (\$500), and any action of said Board, or of any committee there-  
17 of, or of any other person or persons, in violation of this section, shall be null and void.  
18 No money shall be appropriated or paid by said County Commissioners beyond the  
19 sum of five hundred dollars (\$500), unless such appropriation shall have been authori-  
20 zed by a vote of at least two-thirds of the members elected to the said County Board.  
21 The said Board of County Commissioners shall have regular meetings on the first  
22 Mondays of December, March, June and September of each year.

JUL 18 A

1. Introduced by Mr. Bash, January 18, 1879, and ordered to first reading.
2. First reading January 18, 1879, and referred to Committee on Counties and and Township Organization.
3. March 4, second reading, amended and ordered to third reading.

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## A BILL

For an act to amend sections sixty (60) and sixty-one (61) of an act entitled "An act to revise the law in relation to Counties," approved and in force March 31, 1874.

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SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That sections sixty (60) and sixty-one (61) of an act entitled "An act to revise the law in relation to Counties," approved and in force March 31, 1874, be and the same hereby is amended so that it shall read as follows:

SECTION 60. Their terms of office shall begin on the first Monday of December after their election, and they shall hold their office, respectively, until their successors are elected and qualified. Each of said commissioners shall have been a resident of the district from which he is elected for one year prior to his election. The provisions of the general election law entitled, "An act for the registry of electors and to prevent fraudulent voting," shall be applied to all elections for Commissioners under this act.

§ 61. The said commissioners shall, severally, before they enter upon the discharge of their duties, take the oath of office prescribed by the constitution; they shall be known as the Board of Commissioners of Cook county, and as such Board of Commissioners shall have the management of the county affairs of said county, and shall exercise the same powers, perform the same duties, be subject to the same rules, regulations and penalties as prescribed by law for the Board of Supervisors, and shall be subject also to the rules, regulations and penalties hereinafter provided. The said Board of Commissioners shall have no power or authority to delegate to any committee, or

9 other person or persons the "power to act" when such "power to act" shall involve the  
10 letting of any contract or the expenditure of public money, exceeding the sum of five  
11 hundred dollars (\$500), and any action of said board, or of any committee thereof, or  
12 of any other person or persons, in violation of this section, shall be null and void. No  
13 money shall be appropriated or paid by said County Commissioners beyond the sum of  
14 five hundred dollars (\$500), unless such appropriation shall have been authorized by a  
15 vote of at least two-thirds of the members elected to the said county board. The said  
16 Board of County Commissioners shall have regular meetings on the first Mondays of  
17 December, March, June and September of each year.

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(In House.)

1. Reported to House March 18, 1879.
  2. First reading March 22, 1879, and referred to Committee on Judiciary.
  3. Reported back, passage recommended, and ordered to second reading.
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## A BILL

For an Act to amend sections sixty (60), and sixty-one (61), of an act entitled "An Act to revise the law in relation to Counties," approved and in force March 31, 1874.

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SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That sections sixty (60), and sixty-one (61), of an act entitled "An Act to revise the law in relation to Counties," approved and in force March 31, 1874, be and 4 and the same hereby is amended so that it shall read as follows:

SECTION 60. Their terms of office shall begin on the first Monday of December after 2 their election, and they shall hold their office, respectively, until their successors are 3 elected and qualified. Each of said commissioners shall have been a resident of the 4 district from which he is elected for one year prior to his election. The provisions of 5 the general election law entitled "An Act for the registry of electors and, to prevent 6 fraudulent voting," shall be applied to all elections for commissioners under this act.

§ 61. The said commissioners shall, severally, before they enter upon the discharge 2 of their duties, take the oath of office prescribed by the constitution; they shall be 3 known as the board of commissioners of Cook County, and] as such board of Com- 4 missioners shall have the management of the county affairs of said county, and shall 5 exercise the same powers, perform the same duties, be subject to the same rules, regu- 6 lations and penalties as prescribed by law for the board of supervisors, and shall be 7 subject also to the rules, regulations and penalties hereinafter provided. The said board

8 of commissioners shall have no power or authority to delegate to any committee, or  
9 other person or persons the "power to act" when such "power to act" shall involve  
10 the letting of any contract or the expenditure of public money, exceeding the sum of  
11 five hundred dollars (\$500), and any action of said Board, or of any committee thereof,  
12 or of any other person or persons, in violation of this section, shall be null and void.  
13 No money shall be appropriated or paid by said county commissioners beyond the sum  
14 of five hundred dollars (\$500), unless such appropriation shall have been authorized by a  
15 vote of at least two-thirds of the members elected to said county board. The said board  
16 of county commissioners shall have regular meetings on the first Mondays of Decem-  
17 ber, March, June and September of each year.

1. Introduced by Mr. Hamilton January 13, 1879, and ordered to first reading.
  2. First reading January 13, 1879, and referred to Committee on Judiciary.
  3. Reported back, passage recommended and referred to Committee on Judicial Department.
  4. Reported back February 6, 1879, passage recommended, ordered to second reading and printed.
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## A BILL

For an act to consolidate the several Grand Divisions of the Supreme Court, and locate the said Court at the Capitol, in the city of Springfield, and to revise the law in relation thereto.

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SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That the terms of the Supreme Court shall be held in the city of Springfield, in the rooms in the Capitol provided for that purpose, as follows, viz: On the first Tuesdays of January, May and October in each year.*

§ 2. The Clerks of the Supreme Court for the present Northern and Southern Grand Divisions shall, on or before the first day of September A. D. 1879, remove or cause to be removed, all records and files and papers of every description pertaining to all causes then pending in or heretofore determined by the Supreme Court in each of said Grand Divisions, to the city of Springfield and deposit the same in the Clerk's office of the Supreme Court in the Capitol, and that said records, files and papers when so deposited, together with the records, files and papers then in said office and pertaining to the Supreme Court for the Central Grand Division, shall be and constitute the records, files and papers of the Supreme Court of the State of Illinois.

§ 3. The Clerks now in office of the Supreme Court of the several Grand Divisions, after the removal and deposits of the records, files and papers of the Northern and



3 Southern Grand Divisions, as provided in Section two of this act, shall have and re-  
 4 ceive all fees and emoluments arising from causes originating in the several Grand Di-  
 5 visions as they heretofore existed by law, during their respective terms of office; and  
 6 the said several clerks shall perform and exercise all powers and duties pertaining to  
 7 their respective offices in regard to causes originating in their respective Grand Divis-  
 8 ions, as they heretofore existed, or any one or more of said clerks, by agreement  
 9 amongst themselves, may perform and exercise all powers and duties pertaining to all  
 10 or either of said offices.

§ 4. That at the next general election after the expiration of the terms of office of  
 2 the present clerks of the said several Grand Divisions, there shall be elected one clerk of  
 3 the Supreme Court for the State of Illinois.

§ 5. The respective Court-houses and libraries in the Northern and Southern Grand  
 2 Divisions, as heretofore constituted for the use of the Supreme Court, shall continue  
 3 and remain for the use of the Appellate Courts in the said several Grand Divisions.

§ 6. The judges of the Supreme Court are hereby required, in all causes pending in  
 2 the said Court, to prepare and file their written opinions deciding said causes, during  
 3 the respective terms at which said causes may be heard.

§ 7. If from any unavoidable cause the Supreme Court shall not sit at any term  
 2 herein provided for, or any causes depending in said Court shall not be determined,  
 3 the same shall stand continued until the succeeding term.

§ 8. That Sections one, three and five of an act entitled "An act to revise the law  
 2 in relation to the Supreme Court," approved March 23, 1874, and all laws and parts of  
 3 laws inconsistent herewith, be and the same are hereby repealed.

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(In House.)

1. Reported to House February 26, 1879.
2. First reading March 3, 1879, and referred to Committee on Judicial Department.
3. Reported back, passage recommended, and ordered to second reading March 18, 1879.

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## A BILL

For an act to consolidate the several Grand Divisions of the Supreme Court, and locate the said Court at the Capitol, in the city of Springfield, and to revise the law in relation thereto.

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SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General*

2 *Assembly,* That the terms of the Supreme Court shall be held in the city of Springfield,  
3 in the rooms in the Capitol provided for that purpose, as follows, viz: On the first  
4 Tuesdays of January, May and October, in each year.

§ 2. The Clerks of the Supreme Court for the present Northern and Southern  
2 Grand Divisions shall, on or before the first day of September A. D. 1879, remove, or  
3 cause to be removed, all records and files and papers of every description pertaining to  
4 all causes then pending in, or heretofore determined by the Supreme Court in each of  
5 said Grand Divisions, to the city of Springfield, and deposit the same in the Clerk's  
6 office of the Supreme Court in the Capitol; and that said records, files and papers, when  
7 so deposited, together with the records, files and papers then in said office, and per-  
8 taining to the Supreme Court for the Central Grand Division, shall be and constitute  
9 the records, files and papers of the Supreme Court of the State of Illinois.

§ 3. The Clerks now in office of the Supreme Court of the several Grand Divisions,  
2 after the removal and deposits of the records, files and papers of the Northern and  
3 Southern Grand Divisions, as provided in section two of this act, shall have and re

ceive all fees and emoluments arising from causes originating in the several Grand Divisions as they heretofore existed by law, during their respective terms of office; and the said several clerks shall perform and exercise all powers and duties pertaining to their respective offices in regard to causes originating in their respective Grand Divisions, as they heretofore existed, or any one or more of said clerks, by agreement, amongst themselves, may perform and exercise all powers and duties pertaining to all or either of said offices.

§ 4. That at the next general election after the expiration of the terms of office of the present clerks of the said several Grand Divisions, there shall be elected one clerk of the Supreme Court for the State of Illinois.

§ 5. The respective court houses and libraries in the Northern and Southern Grand Divisions, as heretofore constituted for the use of the Supreme Court, shall continue and remain for the use of the Appellate Courts in the said several Grand Divisions.

§ 6. The judges of the Supreme Court are hereby required, in all causes pending in the said Court, to prepare and file their written opinions deciding said causes, during the respective terms at which said causes may be heard.

§ 7. If, from any unavoidable cause, the Supreme Court shall not sit at any term herein provided for, or any causes depending in said Court shall not be determined the same shall stand continued until the succeeding term.

§ 8. That sections one, three and five, of an act entitled "An act to revise the law in relation to the Supreme Court," approved March 23, 1874, and all laws and parts of laws inconsistent herewith, be and the same are hereby repealed.

1. Introduced by Mr. Hamilton, January 20, 1879, and ordered to first reading.
2. First reading January 20, 1879, and referred to Committee on Judiciary.
3. Reported back, passage recommended, and referred to Committee on Judicial department January 22, 1879.
4. February 6, 1879, reported back, passage recommended, ordered second reading.

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## A BILL

For an act to amend section nine (9) fourteen (14) and seventeen (17) of an act entitled

"An act to revise the law in relation to the Supreme Court," approved March 22, 1874.

In force July 1, 1874.

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SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That sections nine (9), fourteen (14), and seventeen (17) of an act entitled "An Act to revise the law in relation to the Supreme Court," approved March 22, 1874, be and the same are hereby amended so as to read as follows:

§ 9. The process of the Supreme Court shall run in the name of the people of the State of Illinois, bear test in the name of the chief justice, be signed by the clerk of the court, dated when issued, sealed with the seal of the court, and made returnable according to law or such rules or orders as may be prescribed by the court.

§ 14. The judges of the Supreme Court, or any four of them, may enter orders in vacation, in all cases where such orders may be necessary.

§ 17. The judges of the Supreme Court shall appoint a librarian, and prescribe his duties and fix his compensation, not exceeding \$50 per quarter, to be paid as other expense of the Supreme Court are paid. Such librarian, before entering upon the duties of his office, shall give bond payable to the People of the State of Illinois in the penal sum of \$1,000, with security to be approved by two judges of said court, conditioned for the due preservation of the books belonging to the library in his charge, and for the faithful performance of his duties as such librarian.



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(In House.)

1. Reported from House February 26.
2. First reading March 3, and referred to Committee on Judicial Department.
3. Reported back, passage recommended, and ordered to second reading March 26.

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## A BILL

For an act to amend section nine (9), fourteen (14) and seventeen (17) of an act entitled  
"An act to revise the law in relation to the Supreme Court," approved March 23,  
1874. In force July 1, 1874.

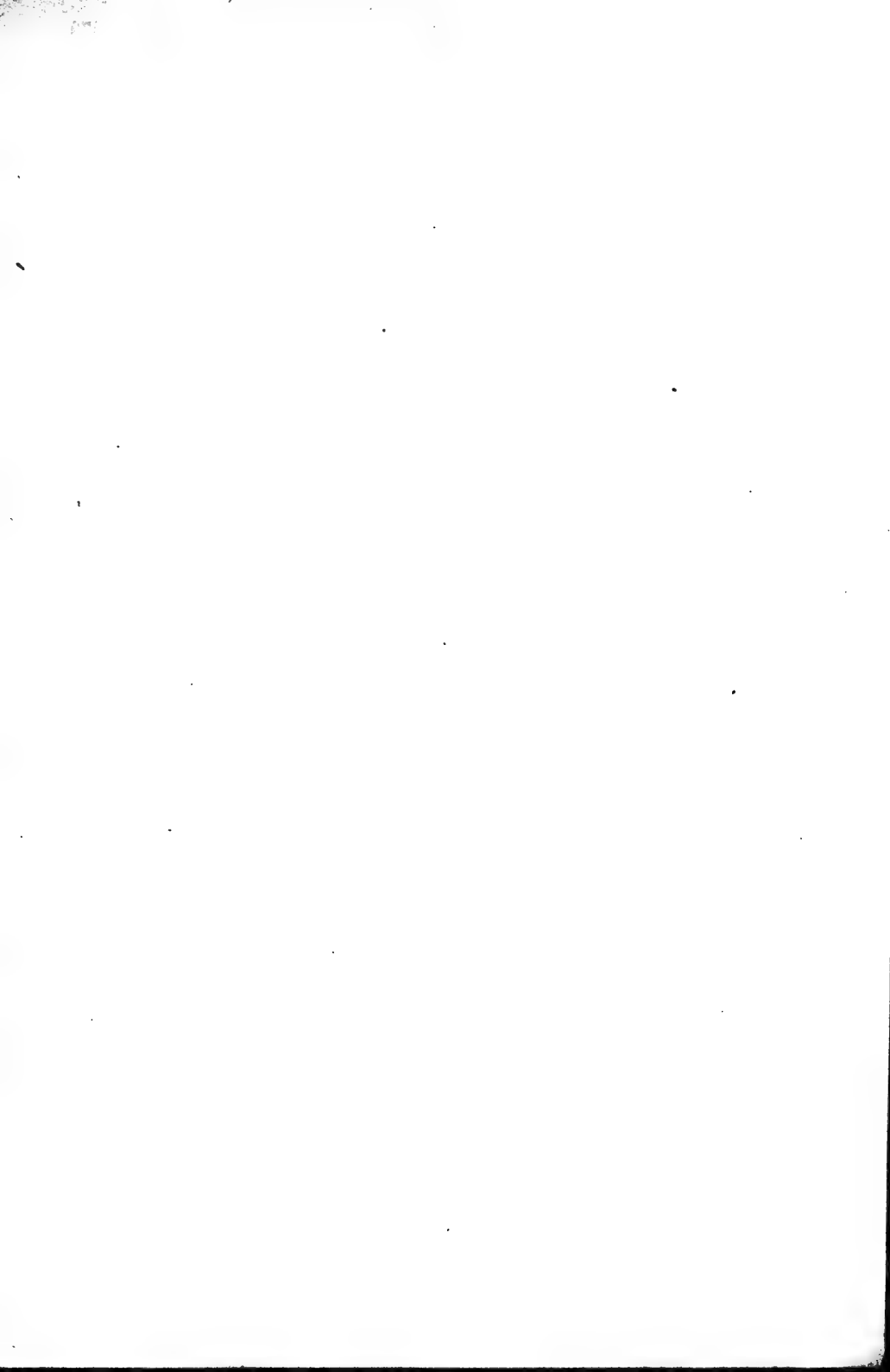
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SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That section nine (9), fourteen (14) and seventeen (17) of an act entitled  
"An act to revise the law in relation to the Supreme Court," approved March 23, 1874,  
be and the same are hereby amended so as to read as follows:

§ 9. The process of the Supreme Court shall run in the name of the people of the  
State of Illinois, bear test in the name of the chief justice, be signed by the clerk of  
the court, dated when issued, sealed with the seal of the court, and made returnable  
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of his office, shall give bond payable to the People of the State of Illinois in the penal  
sum of \$1,000, with security to be approved by two judges of said court, conditioned  
for the due preservation of the books belonging to the library in his charge, and for the  
faithful performance of his duties as such librarian.



1. Introduced by MR. HAMILTON, Jan. 20, 1879, and ordered to First Reading.
2. First Reading Feb. 18, and referred to Committee on Geology and Science.
3. Reported back, Passage Recommended, and ordered to Second Reading Feb. 26, 1879.

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## A BILL

For an act making an appropriation for the ordinary expenses of the State Laboratory of Natural History at Normal, and for the improvement of the Library thereof, and for the increase of the natural history collections of the State Historical Library and Natural History Museum at Springfield.

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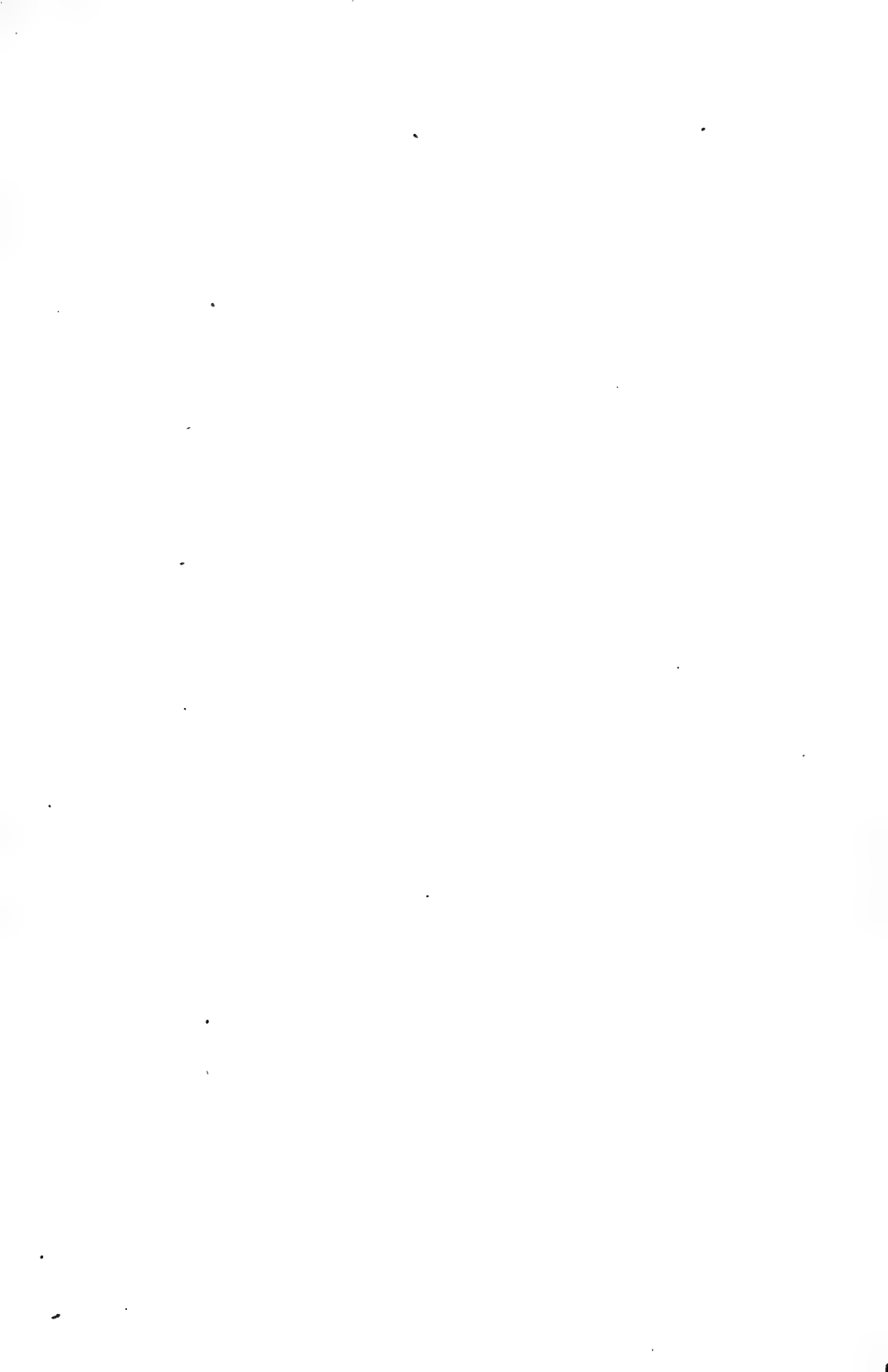
SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the*

2 *General Assembly.* That there be and hereby is appropriated to the State Laborato-  
3 ry of Natural History, at Normal, for the purpose of increasing the collections in  
4 natural history of the State Historical Library and Natural History Museum, at  
5 Springfield, the sum of one thousand dollars per annum, and for ordinary and con-  
6 tingent expenses of the State Laboratory for the improvement of its library, the pub-  
7 lication of its bulletins, and the pay of an assistant, the further sum of \$3,000 per  
8 annum, for two years, payable quarterly in advance.

§ 2. The Auditor of Public Accounts is hereby authorized and required to draw  
2 his warrant upon the treasurer for the aforesaid moneys, upon the order of the state  
3 board of education, signed by the president and attested by the secretary of said  
4 board: *Provided*, That no part of the moneys herein appropriated shall be due and  
5 payable to the said institution until satisfactory vouchers in detail approved by the  
6 Governor have been filed with the Auditor for the expenditure of the last quarterly  
7 installment of appropriations herein or heretofore made.

§ 3. This act shall be and continue in force from the first day of July, A. D.  
2 1879, until the expiration of the first fiscal quarter after the adjournment of the  
3 next General Assembly.





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(In House.)

1. Reported to House April 18, 1879.
2. First reading April 19, and referred to Committee on Appropriations.
3. Reported back, passage recommended, and ordered to second reading April 24.

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## A BILL

For an act making an appropriation for the ordinary expenses of the State Laboratory of Natural History at Normal, and for the improvement of the Library thereof, and for the increase of the natural history collections of the State Historical Library and Natural History Museum at Springfield.

---

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General*

- 2 *Assembly, That there be and hereby is appropriated to the State Laboratory of Natural*
- 3 *History, at Normal, for the purpose of increasing the collections of natural history of the*
- 4 *State Historical Library and Natural History Museum, at Springfield, the sum of one*
- 5 *thousand dollars per annum, and for ordinary and contingent expenses of the State*
- 6 *Laboratory for the improvement of its library, the publication of its bulletins, and the*
- 7 *pay of an assistant, the further sum of three thousand dollars per annum, for two years,*
- 8 *payable quarterly in advance.*

- § 2. The Auditor of Public Accounts is hereby authorized and required to draw
- 2 his warrant upon the treasurer for the aforesaid moneys, upon the order of the State
  - 3 Board of Education, signed by the president and attested by the secretary of said
  - 4 board: *Provided, that no part of the moneys herein appropriated shall be due and*
  - 5 *payable to the said institution until satisfactory vouchers in detail, approved by the*
  - 6 *Governor, have been filed with the Auditor for the expenditure of the last quarterly*
  - 7 *installment of appropriations herein or heretofore made.*

§ 3. This act shall be and continue in force from the first day of July, A. D. 1879,  
2 'until the expiration of the first fiscal quarter after the adjournment of the next General  
3 Assembly.

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(In House.)

1. Reported to House April 18, 1879.
  2. First reading April 19, and referred to Committee on Appropriations.
  3. Reported back, passage recommended, and ordered to second reading April 24.
  4. Second reading, amended, and re-referred Committee on Appropriations April 30.
  5. Reported back to pass with amendments, and ordered second reading May 10.
- 1
- 

Amendments to Senate Bill No. 88, offered by Committee on Appropriations May 10, 1879.

Amend section one by striking out all after the words "per annum," in ninth line of

2 written bill, and insert in lieu thereof the following:

3 "For the supply of State Educational Institutions, the sum of two hundred and  
4 fifty dollars per annum.

5 For the supply of public High Schools, the sum of two hundred and fifty dollars per  
6 annum.

7 For the investigation of the food of birds, the sum of two hundred dollars per annum.

8 For the investigation of the food of fishes, the sum of one hundred and fifty dollars  
9 per annum.

10 For library, new books, the sum of one thousand dollars per annum.

12 For cataloguing same, the sum of one hundred dollars per annum.

W. B. TAYLOR, Clerk.

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## A BILL

For an act making an appropriation for the ordinary expenses of the State Laboratory of Natural History, at Normal, and for the improvement of the Library thereof, and for the increase of the natural history collections of the State Historical Library and Natural History Museum at Springfield.

**SECTION 1.** *Be it enacted by the people of the State of Illinois, represented in the General Assembly.* That there be and hereby is appropriated to the State Laboratory of Natural History, at Normal, for the purpose of increasing the collections of natural history of the State Historical Library and Natural History Museum, at Springfield, the sum of one thousand dollars per annum, and for ordinary and contingent expenses of the State Laboratory for the improvement of its library, the publication of its bulletins, and the pay of an assistant, the further sum of three thousand dollars per annum, for two years, payable quarterly in advance.

§ 2. The Auditor of Public Accounts is hereby authorized and required to draw his warrant upon the treasurer for the aforesaid moneys, upon the order of the State Board of Education, signed by the president and attested by the secretary of said board: *Provided*, that no part of the moneys herein appropriated shall be due and payable to the said institution until satisfactory vouchers in detail, approved by the Governor, have been filed with the Auditor for the expenditure of the last quarterly installment of appropriations herein or heretofore made.

§ 3. This act shall be and continue in force from the first day of July, A. D. 1879, until the expiration of the first fiscal quarter after the adjournment of the next General Assembly.

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(In House.)

1. Reported to House April 18, 1879.
2. First reading April 19, and referred to Committee on Appropriations.
3. Reported back, passage recommended, and ordered to second reading April 24.
4. Second reading, amended and recommitment to Committee on Appropriations April 30.
5. Reported back to pass as amended, and ordered to a second reading May 10.

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Amendments to Senate Bill No. 88, offered by Committee on Appropriations May 10, 1879.

- Amend section 1 by striking out all after the words "per annum" in ninth line of
- 2 written bill, and insert in lieu thereof, the following: "For the supply of State Educa-
  - 3 tional Institutions, the sum of two hundred and fifty dollars per annum.
  - 4 For the supply of public high schools, the sum of two hundred and fifty dollars per
  - 5 annum.
  - 6 For the investigation of the food of birds, the sum of two hundred dollars per an-
  - 7 num.
  - 8 For the investigation of the food of fishes, the sum of one hundred and fifty dollars
  - 9 per annum.
  - 10 For publication of bulletins, the sum of two hundred and fifty dollars per annum.
  - 11 For library, new books, the sum of one thousand dollars per annum.
  - 12 For cataloguing same, the sum of one hundred dollars per annum.
  - 13 For pay of assistant, the sum of eight hundred dollars per annum."

W. B. TAYLOR, Clerk.

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### **A BILL**

For an act making an appropriation for the ordinary expenses of the State Laboratory of Natural History, at Normal, and for the improvement of the Library thereof, and for the increase of the natural history collections of the State Historical Library and Natural History Museum at Springfield.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General*  
2 *Assembly,* That there be and hereby is appropriated to the State Laboratory of Natural  
3 History, at Normal, for the purpose of increasing the collections of natural history of  
4 the State Historical Library and Natural History Museum, at Springfield, the sum of  
5 one thousand dollars per annum, and for ordinary and contingent expenses of the State  
6 Laboratory for the improvement of its library, the publication of its bulletins, and the  
7 pay of an assistant, the further sum of three thousand dollars per annum, for two years,  
8 payable quarterly in advance.

§ 2. The Auditor of public Accounts is hereby authorized and required to draw his  
2 warrant upon the treasurer for the aforesaid moneys, upon the order of the State Board  
3 of Education, signed by the president and attested by the secretary of said board:  
4 *Provided,* that no part of the moneys herein appropriated shall be due and payable to  
5 the said institution until satisfactory vouchers in detail, approved by the Governor, have  
6 been filed with the Auditor for the expenditure of the last quarterly installment of ap-  
7 propriations herein or heretofore made.

§ 3. This act shall be and continue in force from the first day of July A. D. 1879,  
2 until the expiration of the first fiscal quarter after the adjournment of the next General  
3 Assembly.

1. Introduced by Mr. Artley, January 20, 1879, and ordered to first reading.
2. First reading January 20, 1879, and referred to Committee on Labor and Manufactures.
3. February 6, 1879, bill and amendments ordered printed for use of Committee.

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Amendment proposed by Committee on Labor and Manufactures.

Amend by inserting after Section 30 in written bill (Section 2) "The Warden and

- 2 Commissioners shall be empowered to sell to any person the products of the labor of
- 3 the convicts in said penitentiaries, *Provided, however, That said Commissioners shall*
- 4 not sell the same for any less than the current market rates, nor shall grant any un-
- 5 usual accommodation to said purchasers.

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## A BILL

For an Act entitled "An Act to regulate the employment of convicts and to provide for their classification in the State Penitentiary."

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- SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General*
- 2 *Assembly, That section sixteen, twenty-five, twenty-six and thirty of an act entitled "An*
  - 3 *Act to provide for the management of the Illinois Penitentiary at Joliet," read as*
  - 4 *follows:*

- SECTION 16. The Warden shall exercise a general supervision over the government,
- 2 discipline and police regulations of said penitentiary, in accordance with the orders,
  - 3 rules and regulations of said Commissioners, and shall see that such orders, rules and
  - 4 regulations are duly enforced and shall give the necessary directions to the officers and
  - 5 guards, and examine whether they have been diligent in the discharge of their sever-
  - 6 al duties.



7 He shall examine daily into the State of the penitentiary and into the health, condi-  
8 tion and safe keeping of the convicts, and shall enquire into the justice of any com-  
9 plaints made by any of the convicts relative to their clothing, provision or treatment.

10 He shall make such general orders and rules for the government of the subordinate  
11 officers and employees of said penitentiary as he may deem proper, subject to the ap-  
12 proval of said Commissioners. Such rules and orders shall be in writing, and shall be  
13 entered in a book kept by the Warden for that purpose, and shall be subject to alter-  
14 ation or amendment by said Commissioners. He shall grade and classify the said con-  
15 victs in said penitentiary into three grades or classes.

16 The first grade shall consist of those convicted for the first time of a felony and who  
17 are not habit and repute criminals.

18 The second class shall consist of convicts who are habit and repute criminals and  
19 who have been committed to a penitentiary for the first time.

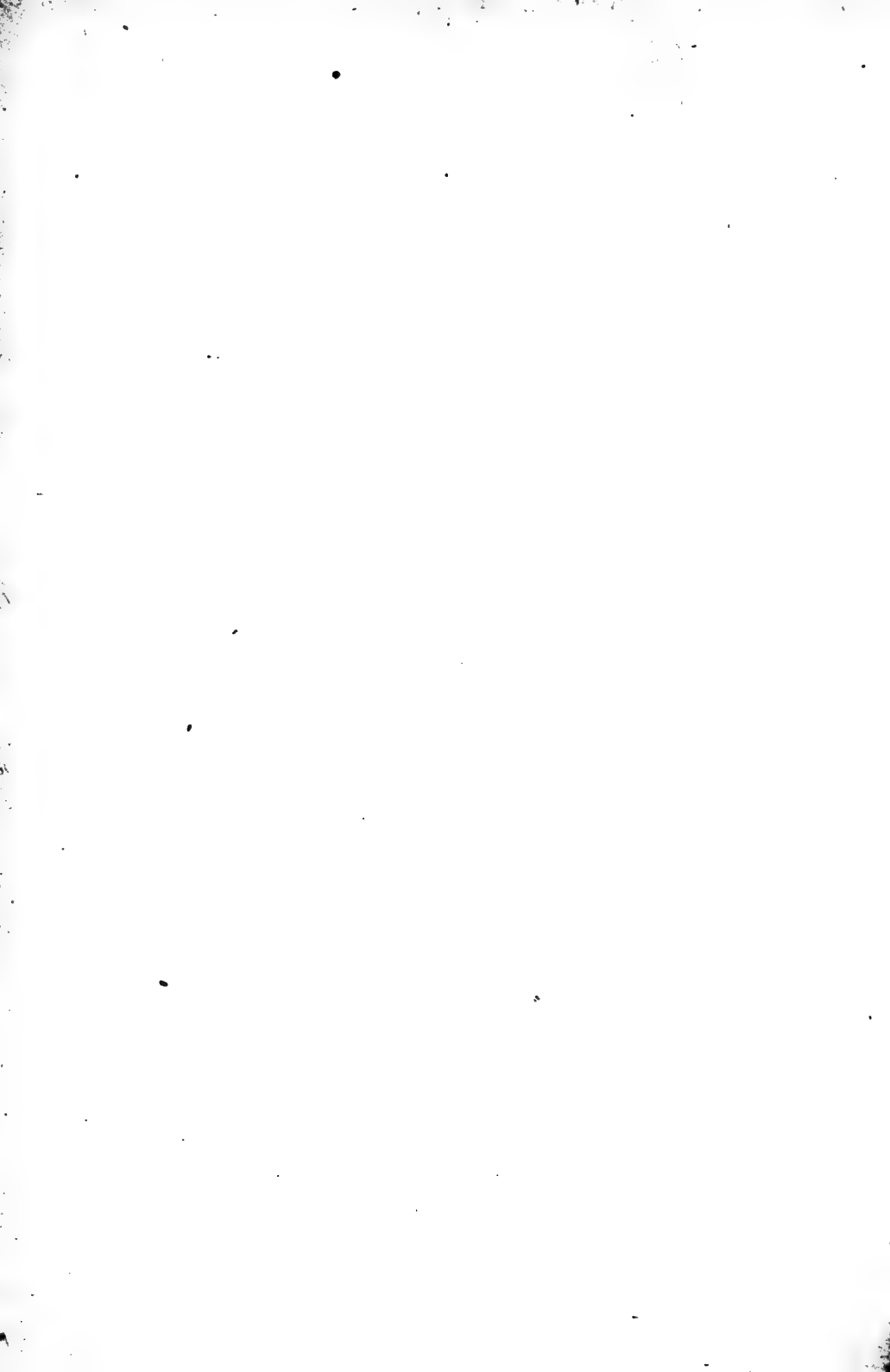
20 The third class shall consist of convicts who have been previously imprisoned in a  
21 State Penitentiary and who are criminal by habit and repute.

SECTION 25. It shall be the duty of the Commissioners to employ the convicts in  
2 the said penitentiary in the manufacture of clothing, boots and shoes, culinary uten-  
3 als, beds and bedding or other useful or necessary articles, that may be used in the said  
4 penitentiary or in any State charitable or reformatory institution in the State, and for  
5 the maintenance of which an appropriation is made by the General Assembly.

§ 26. The Warden shall keep or cause to be kept an individual account with each  
2 convict in said penitentiary, in which the amount of labor performed by said convict,  
3 shall be credited to said convict, and which shall be appraised by said Warden and  
4 Commissioners, who shall, after deducting the expense of imprisonment and main-  
5 tainance of said convict to the State set aside the balance for his individual benefit,  
6 and it shall be paid to said convict. If the said convict has any person dependent  
7 upon him, or her, (as the case may be) for support by reason of natural ties; on the last  
8 day of each month for the month immediately preceeding the one in which said pay-  
9 ment shall be made, if the said convict has no one dependent upon such convict for  
10 support by reason of natural ties then the said Warden shall retain the amount accru-  
11 ing to said convict by reason of his or her account, with said Warden, less one dollar  
12 per month which shall be paid to said convict as hereinbefore provided the balance if

13 any; shall be paid to said convict in two equal instalments, the first on said convicts  
14 discharge from said penitentiary and the last in six months thereafter, *provided*, how-  
15 ever, that such convict shall not have been convicted of any crime or misdemeanor in  
16 the meantime, nor shall have been placed in the third grade, in the classification of  
17 said convicts. The said Warden may, however, advance any of said convicts from the  
18 third grade to the second grade for good conduct, but said convict shall not receive  
19 any compensation for labor performed while in the third grade of said convicts.

§ 30. It shall be the duty of the commissioners to contract with the properly con-  
2 stituted authorities of the various State Institutions to provide them with any of the  
3 articles that may be manufactured by the said convicts under the provisions of this act,  
4 and which may be required by the inmates of said State charitable or reformatory in-  
5 stitutions, the same to be paid for by the said authorities from the appropriations made  
6 from time to time by the General Assembly.



1. Introduced by Mr. Fuller, January 20, 1879, and ordered to first reading.
2. First reading January 20, and referred to Committee on Fees and Salaries.
3. April 18, reported back, with recommendation it do not pass.
4. On motion of Mr. Fuller ordered to second reading.

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## A BILL

For an Act to provide for the payment of Costs in Criminal Cases.

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SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That in all criminal prosecutions where a conviction is had, and where the fees cannot be collected of the party convicted, the justice of the peace, police magistrate, sheriff, constable or other officer who may have earned fees in the case, may make out his fee bill, which shall be verified by the party making the same, and present the same to the county board, and such county board shall direct that such fees, or so much thereof as shall be legal and equitable, and shall have been actually earned, shall be paid out of the county treasury.

§ 2. Whenever any jury shall be called upon the trial of any criminal case or misdemeanor, before a justice of the peace, it shall be the duty of the justice to furnish each juror with a certificate, showing upon what case such juror sat, and the amount of fee to which he is entitled, which amount shall be paid out of the county treasury upon presentation of such certificate to the county treasurer: *Provided*, that if such fee shall afterwards be collected of the defendant in the case, the justice of the peace shall pay the same over to the county treasurer: *And, provided further*, that the justice of the peace shall be entitled to a fee of ten cents for each juror's certificate so furnished.



1. Introduced by Mr. Bent Jan. 20, 1879, and ordered to first reading.
2. First reading Jan. 20, 1879, and referred to Committee on Banks and Banking.
3. Reported back with recommendation to be ordered to second reading. So ordered, Feb. 21, 1879.

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## A BILL

For "An Act to provide for a Currency, secured by a pledge of United States Stocks and Illinois State Stocks, and to provide for the circulation and redemption thereof."

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SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That there shall be established in the Department of the Auditor of Public Accounts a separate bureau, which shall be charged with the execution of this and all other laws that may be passed by the General Assembly, respecting the issue and regulation of a bank currency, secured by United States or Illinois State stocks. The chief officer of said bureau shall be denominated the Comptroller of Banks, and shall be under the general supervision and direction of the Auditor of Public Accounts. He shall be appointed by the Governor, by and with the advice and consent of the Senate, and shall hold his office for the term of four years, unless sooner removed by the Governor upon reasons to be communicated by him to the Senate; he shall receive an annual salary of twenty-five hundred dollars; he shall have a competent deputy, appointed by the Auditor of public accounts, whose salary shall be fifteen hundred dollars per annum, and who shall possess the power and perform the duties attached by law to the office of Comptroller, during a vacancy in such office, and during his absence or inability; he shall employ from time to time the necessary clerks to discharge such duties as he shall direct, which clerks shall be appointed by the Auditor of Public Accounts. Within fifteen days from the time of notice of his appointment, the Comptroller shall take and subscribe the oath of office prescribed by the Constitution and laws of the State of Illinois, and he shall give to the State of Illinois a bond in the penal sum of

one hundred thousand dollars, with not less than five responsible sureties, to be approved by the Governor, conditioned for the faithful discharge of the duties of his office. The Deputy Comptroller so appointed shall also take the oath of office prescribed by the Constitution and laws of the State of Illinois, and shall give a like bond in the penalty of fifty thousand dollars. The Comptroller and Deputy Comptroller shall not, either directly or indirectly, be interested in an association issuing currency under the provisions of this act.

§ 2. And be it further enacted, that the Comptroller of Banks, with the approval of the Auditor of Public Accounts, shall devise a seal, with suitable inscriptions, for his office, a description of which, with a certificate of its approval, shall be filed in the office of the Secretary of State, with an impression thereof, which shall thereupon become the seal of office of the Comptroller of Banks, and the same may be renewed when the Secretary of State may deem necessary. Every certificate, assignment and conveyance executed by the Comptroller, in pursuance of any authority conferred upon him by law, and sealed with his seal of office, shall be received in evidence in all places and courts whatsoever in the State of Illinois, and all copies of papers in the office of the Comptroller, certified by him, and authenticated by the said seal, shall in all cases be evidence, equally and in like manner as the original.

§ 3. And be it further enacted, that there shall be assigned to the Comptroller of Banks, by the Secretary of State, suitable rooms in the State House at Springfield, for conducting the business of the bureau, in which shall be safe and secure fire-proof vaults, in which it shall be the duty of the Comptroller to deposit and safely keep all the plates not necessarily in the possession of the printers and engravers, and other valuable things belonging to his department, and the Secretary of State shall, from time to time, furnish furniture, stationery, fuel, lights and other proper conveniences for the transaction of the said business.

§ 4. And be it further enacted, that the term "United States Stocks," as used in this act, shall be construed to mean all registered bonds bearing interest now issued, or that may hereafter be issued, on the faith of the United States, in pursuance of law, and that the term "Illinois State Stocks" shall be construed to mean all bonds and evidences of indebtedness bearing interest now issued, or to be issued by the officers of the State of Illinois in pursuance of law.

§ 5. *And be it further enacted,* That associations for carrying on the business of banking may be formed by any number of natural persons, not less than five, who shall enter into articles of association, which shall specify in general terms the object for which the association is formed, and may contain any other provisions, not inconsistent with the provisions of this act, which the association may see fit to adopt for the regulation of the business of the association and the conduct of its affairs, which said articles shall be signed by the persons uniting to form the association, and a copy of them forwarded to the comptroller of the banks, to be filed and preserved in his office.

§ 6. *Be it further enacted,* That the persons uniting to form such an association shall, under their hands, make an organization certificate, which shall specify :

*First.* The name assumed by such association, which name shall be subject to the approval of the comptroller.

*Second.* The place where its operations of discount and deposit are to be carried on, designating the particular county, and city, town or village.

*Third.* The amount of its capital stock, and the number of shares into which the same shall be divided.

*Fourth.* The names and places of residence of the shareholders, and the number of shares held by each of them.

*Fifth.* A declaration that said certificate is made to enable such persons to avail themselves of the advantages of this act.

The said certificate shall be acknowledged before a judge of some court of record, and such certificate with the acknowledgment thereof authenticated by the seal of such court, shall be transmitted to the Comptroller of Banks, who shall record and carefully preserve the same in his office, copies of which certificate, duly certified by the Comptroller, and authenticated by his seal of office, shall be legal and sufficient evidence in all courts and places within the State of Illinois, of the existence of such association, and of every other matter or thing which could be proved by the production of the original certificate.

§ 7. *And be it further enacted,* that no association shall be organized under this act with a less capital than one hundred thousand dollars.

§ 8. *And be it further enacted,* that every association formed pursuant to the provisions of this act, shall from the date of the execution of its organization certificate be



3 a body corporate, but shall transact no business except such as may be incidental to  
 4 its organization, and necessarily preliminary until authorized by the Comptroller of  
 5 banks, to commence the business of banking. Such associations shall have power to  
 6 adopt a corporate seal, and shall have succession by the name designated in its organi-  
 7 zation certificate for the period of twenty years from its organization, unless sooner dis-  
 8 solved according to the provisions of its articles of association or by the act of its share-  
 9 holders owning two-thirds of its stock, or unless the franchise shall be forfeited by a  
 10 violation of this act; by such name it may make contracts, sue and be sued, complain  
 11 and defend in any court of law or equity as fully as natural persons: it may elect or  
 12 appoint directors, and by its board of directors, appoint a president, vice president,  
 13 cashier and other officers, define their duties, require bonds of them, and fix the penalty  
 14 thereof, dismiss said officers, or any of them, at pleasure, and appoint others to fill their  
 15 places, and exercise under this act, all such incidental powers as shall be necessary to  
 16 carry on the business of banking, by discounting and negotiating promissory notes,  
 17 drafts, bills of exchange and other evidences of debt, by receiving deposits, by buying  
 18 and selling exchange coin and bullion, by loaning money on personal security, by ob-  
 19 taining, issuing and circulating notes according to the provisions of this act, and its  
 20 board of directors shall also have power to define and regulate by by-laws not inconsis-  
 21 tent with the provisions of this act, the manner in which its stock shall be transferred,  
 22 its directors elected or appointed, its officers appointed, its property transferred, its gen-  
 23 eral business conducted, and all the privileges granted by this act to associations organ-  
 24 ized under it, shall be exercised and enjoyed, and its usual business shall be transacted  
 25 at an office or banking house located in the place specified in its organization certificate  
 26 and not elsewhere.

§ 9. And be it further enacted, that the affairs of every association shall be man-  
 2 aged by not less than five directors, one of whom shall be the president. Every direc-  
 3 tor shall, during his whole term of service, be a citizen of the State of Illinois, and  
 4 shall have resided in the State in which such association is located at least one year  
 5 next preceding their election as directors. Each director shall own in his own right at  
 6 least ten shares of the capital stock of the association of which he is a director. Each  
 7 director when appointed or elected, shall take an oath that he will, so far as the duty  
 8 devolves on him, diligently and honestly administer the affairs of such association, and

9 will not knowingly violate, or permit to be violated, any of the provisions of this act  
 10 and that he is the *bona fide* owner, in his own right, of the number of shares of stock re-  
 11 quired by this act, subscribed by him or standing in his name on the books of the associa-  
 12 tion, and that the same is not hypothecated, or in any way pledged as security for any loan  
 13 or debt, which oath, subscribed by himself and certified by the officer before whom it  
 14 is taken, shall be immediately transmitted to the Comptroller of Banks, and by him  
 15 filed and preserved in his office.

§ 10. And be it further enacted, that the directors of any association first elected  
 2 or appointed shall hold their places until their successors shall be elected and qualified.  
 3 All subsequent elections shall be held annually, on such day in the month of Janu-  
 4 ary as may be specified in the articles of association; and the directors so elected shall  
 5 hold their places for one year, and until their successors are elected and qualified. But  
 6 any director ceasing to be the owner of the requisite amount of stock, or having in any  
 7 way or manner become disqualified, shall thereby vacate his place. Any vacancy in  
 8 the board shall be filled by appointment by the remaining directors, and any director  
 9 so appointed shall hold his place until the next election. If, from any cause, an elec-  
 10 tion of directors shall not be made at the time appointed, the association shall not, for  
 11 that cause be dissolved, but an election may be held on any subsequent day, thirty days'  
 12 notice thereof, in all cases, having been given in a newspaper published in the city,  
 13 town or county in which the association is located, and if no newspaper is published in  
 14 such city, town or county, such notice shall be published in a newspaper published  
 15 nearest thereto. If the articles of association do not fix the day on which the election  
 16 shall be held, or if the election should not be held on the day fixed, the day for the  
 17 election shall be designated by the board of directors in their by laws or otherwise;  
 18 *Provided*, that if the directors fail to fix the day as aforesaid, shareholders representing  
 19 two-thirds of the shares, may.

§ 11. And be it further enacted, that in all elections of directors, and in deciding  
 2 all questions at meetings of shareholders, each shareholder shall be entitled to one vote  
 3 on each share of stock held by him. Shareholders may vote by proxies, duly author-  
 4 ized in writing; but no officer, clerk, teller or book-keeper of such association shall act  
 5 as proxy; and no shareholder whose liability is past due and unpaid shall be allowed  
 6 to vote.

§ 12. And be it further enacted, that the capital stock of any association formed under this act shall be divided into shares of one hundred dollars each, and be deemed personal property, and transferable on the books of the association in such manner as may be prescribed in the by-laws or articles of association; and every person becoming a shareholder by such transfer, shall, in proportion to his shares, succeed to all the rights and liabilities of the prior holders of such shares; and no change shall be made in the articles of association by which the rights, remedies, or security of the existing creditors of the association shall be impaired. The shareholders of each association formed under the provisions of this act shall be held individually responsible, equally and ratably, and not one for the other, for all contracts, debts and engagements of such association, to the extent of the amount of their stock therein, at the par value thereof, in addition to that amount invested in such shares. And the Comptroller of Banks shall have authority to withhold from an association his certificate authorizing the commencement of business, whenever he shall have reason to suppose that the shareholders thereof have formed the same for any other than the legitimate objects contemplated by this act.

§ 13. And be it further enacted, that it shall be lawful for any association formed under this act, by its articles of association, to provide for an increase of its capital from time to time, as may be deemed expedient, subject to the limitations of this act: *Provided*, that the maximum of such increase in the articles of association shall be determined by the Comptroller of Banks, and no increase of capital shall be valid until the whole amount of such increase shall be paid in, and notice thereof shall have been transmitted to the Comptroller of Banks, and his certificate obtained specifying the amount of such increase of capital stock, with his approval thereof, and that it has been duly paid in as part of the capital of such association, and every association shall have power by the vote of shareholders owning two-thirds of its capital stock to reduce the capital of such association, to any sum not below the amount required by this act in the formation of associations: *Provided*, that no such reduction shall be made until the amount of the proposed reduction has been reported to the Comptroller of Banks, and his approval thereof obtained.

§ 14. And be it further enacted, that every association after having complied with the provisions of this act, preliminary to the commencement of banking business under

its provisions, and before it shall be authorized to commence business, shall transfer and deliver to the State Treasury any United States bonds, or bonds of the State of Illinois, not less in amount than the aggregate capital of such association, said bonds to be rated in computing the amount so deposited at ten per cent below their par value, which bonds shall be deposited with the State Treasurer, and by him safely kept in his office until the same shall be otherwise disposed of in pursuance of the provisions of this act: *Provided*, that nothing in this section shall prevent an association that may desire to reduce its capital, or to close up its business and dissolve its organization, from taking up its bonds, and returning to the Comptroller its circulating notes, nor from taking up any excess of bonds beyond its capital stock upon which no circulating notes have been delivered.

§ 15. And be it further enacted, that whenever a certificate shall have been transmitted to the Comptroller of Banks as provided in this act, and the association transmitting the same shall notify the Comptroller that its entire capital stock has been paid in as aforesaid, and that such association has complied with all the provisions of this act, as required to be complied with before such association shall be authorized to commence the business of banking, the Comptroller shall examine into the condition of such association, ascertain especially the amount of money paid in on account of its capital, the name and place of residence of each of the directors of such association, and the amount of the capital stock of which each is the *bona fide* owner, and generally whether such association has complied with the requirements of this act, to entitle it to engage in the business of banking, and shall cause to be made and attested by the oath of a majority of the directors, and by the president or cashier of such association, a statement of all the facts necessary to enable the Comptroller to determine whether such association is lawfully entitled to commence the business of banking under this act.

§ 16. And be it further enacted, that if on a careful examination of the facts so reported, or of any other facts which may come to the knowledge of the Comptroller, whether by means of a special commission appointed by him for the purpose of enquiring into the condition of such association, or otherwise, it shall appear that such association is lawfully entitled to commence the business of banking, the Comptroller shall give to such association a certificate under his hand and official seal, that such association has complied with all the provisions of this act, required to be complied with be-

8 fore being entitled to commence the business of banking under it, and that such asso-  
 9 ciation is authorized to commence said business accordingly, and it shall be the duty of  
 10 the association to cause said certificate to be published in some newspaper published in  
 11 the city or county where the association is located, for at least sixty days next after  
 12 the issuing thereof: *Provided*, that if no newspaper is published in such city or county,  
 13 the certificate shall be published in a newspaper published nearest thereto

§ 17. And be it further enacted, that all transfers of United States bonds, or of  
 2 bonds of the State of Illinois, which shall be made by any association under the pre-  
 3 visions of this act, shall be made to the State Treasury in trust for the association, with  
 4 a memorandum written or printed on each bond and signed by the cashier or some  
 5 other officer of the association, making the deposit a receipt therefor, to be given by  
 6 the State Treasurer to said association, stating that it is held in trust for the associa-  
 7 tion, on whose behalf such transfer is made and as security for the redemption and pay-  
 8 ment of any circulating notes that have been or may be delivered to such association.  
 9 No assignment or transfer of any such bonds by the treasurer, shall be deemed valid, or  
 10 of binding force and effect, unless countersigned by the Comptroller of Banks. It shall  
 11 be the duty of the Comptroller of Banks, to keep in his office a book in which shall be  
 12 entered the name of every association from whose accounts such transfer of bonds is  
 13 made by the Treasurer, and the name of the party to whom transfer is made, and the  
 14 par value of the bonds so transferred shall be entered therein, and it shall be the duty  
 15 of the Comptroller, immediately upon countersigning and entering the same, to advise,  
 16 by mail, the association from whose account such transfer was made, of the kind and  
 17 numerical designation of the bonds, and the amount thereof so transferred.

§ 18. And be it further enacted, that it shall be the duty of the Comptroller of  
 2 Banks to countersign and enter in the book in the manner aforesaid every transfer or  
 3 assignment of any bonds held by the Treasurer presented for his signature, and the  
 4 Comptroller shall have at all times during office hours access to the books of the Treas-  
 5 urer, for the purpose of ascertaining the correctness of the transfer or assignment pre-  
 6 sented to him to countersign; and the Treasurer shall have the like access to the book  
 7 above mentioned, kept by the Comptroller, during office hours, to ascertain the correct-  
 8 ness of the entries in the same; and the Comptroller shall also at all times have access  
 9 to the bonds on deposit with the Treasurer, to ascertain their amount and condition.

§ 19. And be it further enacted, that upon the transfer and delivery of bonds to the Treasurer, as herein before provided, the association making the same shall be entitled to receive from the Comptroller of Banks circulating notes, of different denominations, in blank, registered and countersigned, as hereinafter provided, equal in amount to ninety per centum of the par value, provided the par value equals or exceeds the market value of the United States bonds, and the bonds of the State of Illinois, so transferred and delivered, and at no time shall the total of such amounts issued to any such association exceed ninety per centum of the amount at such time actually paid in of its capital stock.

§ 20. And be it further enacted, that in order to furnish suitable notes for circulation, the Comptroller of Banks is hereby authorized and required, under the direction of the Secretary of State, to cause plates and dies to be engraved, in the best manner to guard against counterfeiting and fraudulent alterations, and to have printed therefrom and numbered, such quantity of circulating notes, in blank, of the denomination of one dollar, two dollars, three dollars, five dollars, ten dollars, twenty dollars, and fifty dollars, as may be required to supply, under this act, the associations entitled to receive the same, which notes shall express upon their face that they are secured by United States bonds and Illinois State bonds deposited with the State Treasurer, by the written or engraved signature of the Treasurer and Auditor of Public Accounts, and by the imprint of the seal of the State Treasurer, and shall also express on their face the promise of the association receiving the same to pay on demand, attested by the signatures of the president or vice president and cashier, and the same notes shall bear such devices and such other statements and shall be in such form as the Secretary of State shall, by regulation, direct.

§ 21. And be it further enacted, that after any such association shall have caused its promise to pay such notes on demand to be signed by its president or vice president and cashier thereof, in such manner as to make them obligatory promissory notes, payable on demand at its place of business, such association is hereby authorized to issue and circulate the same as money.

§ 22. And be it further enacted, that it shall be the duty of the Comptroller of Banks to receive worn out or mutilated notes issued by any such banking association, and also, on due proof of the destruction of any such circulating notes, to deliver in

4 place thereof to such association other blank circulating notes to an equal amount ; and  
 5 such worn out or mutilated notes, after a memorandum shall have been entered in the  
 6 proper books, in accordance with such regulations as may be established by the Comp-  
 7 troller, as well as all circulating notes which shall have been paid or surrendered to be  
 8 canceled shall be burned to ashes in presence of three persons, one to be appointed by  
 9 the State Treasurer, one by the Comptroller of Banks, and one by the association, un-  
 10 der such regulations as the State Treasurer may prescribe, and a certificate of such  
 11 burning, signed by the parties so appointed, shall be made in the books of Comptroller  
 12 of Banks, and a duplicate thereof forwarded to the association whose notes are thus  
 13 canceled.

§ 23. And be it further enacted, that it shall be the duty of every banking associa-  
 2 tion having bonds deposited in the office of the State Treasurer, once, or oftener, in  
 3 each fiscal year, and at such time or times during the ordinary business hours as said  
 4 officer or officers may select, to examine and compare the bonds so pledged, with the  
 5 books of the Comptroller and the accounts of the association, and if found correct, to  
 6 execute to the said treasurer, a certificate, setting forth the different kinds and the  
 7 amounts thereof, and that the same are in the possession and custody of the treasurer  
 8 at the date of such certificate. Such examination may be made by an officer or agent  
 9 of such association duly appointed in writing for that purpose, whose certificate before  
 10 mentioned, shall be of like force and validity, as if executed by such president or  
 11 cashier, and a duplicate signed by the treasurer shall be retained by the association.

§ 24. And be it further enacted, that the bonds transferred to and deposited with  
 2 the State Treasurer as hereinbefore provided, by any banking association, for the secur-  
 3 ity of its circulating notes, shall be held exclusively for that purpose, until such notes  
 4 shall be redeemed, except as provided in this act, but the Comptroller of Banks shall  
 5 give to any such banking association, powers of attorney, to receive and appropriate to  
 6 its own use, the interest on the bonds which it shall have so transferred to the treasurer;  
 7 but such powers shall become inoperative whenever such banking association shall fail  
 8 to redeem its circulating notes as aforesaid. Whenever the market or cash value of  
 9 any bonds deposited with the treasurer as aforesaid, shall be reduced below the par  
 10 value thereof. The Comptroller of Banks is hereby authorized to demand and receive  
 11 the amount of such depreciation in other United States stocks or stocks of the State of

12 Illinois at their cash value, or in lawful money from the association receiving such bills,  
 13 to be deposited with the State Treasurer as long as such depreciation continues, and  
 14 said Comptroller of Bank<sup>s</sup>, upon terms prescribed by the Auditor of Public Accounts,  
 15 may permit an exchange to be made of any of the bonds deposited with the treasurer  
 16 by an association, for other United States stocks, or stocks of the State of Illinois, au-  
 17 thorized by this act to be received as security for circulating notes; if he shall be of  
 18 opinion that such an exchange can be made without prejudice to the State, and he  
 19 may direct the return of any of said bonds to the banking association which transferred  
 20 the same, in sums of not less than one thousand dollars, upon the surrender to him, and  
 21 cancellation of a proportionate amount of such circulating notes: *Provided*, that the  
 22 amount of bonds in the hands of the treasurer shall not be diminished below the  
 23 amount required to be kept on deposit with him by this act: *And provided*, that there  
 24 shall have been no failure by such association to redeem its circulating notes, and no  
 25 other violation by such association of the provisions of this act, and that the market  
 26 or cash value of the remaining bonds shall not be below the amount required for the  
 27 circulation issued for the same.

§ 25. And be it further enacted, that it shall be unlawful for any officer, acting un-  
 2 der the provisions of this act, to countersign or deliver to any association, or to any  
 3 other company or person any circulating notes contemplated by this act, except as  
 4 hereinbefore provided, and in accordance with the true intent and meaning of this act.  
 5 Any officer who shall violate the provisions of this section shall be deemed guilty of a  
 6 misdemeanor, and on conviction thereof, shall be punished by fine, not exceeding  
 7 double the amount so countersigned and delivered, and imprisoned not less than one  
 8 year, and not exceeding fifteen years, at the discretion of the court in which he  
 9 shall be tried.

§ 26. And be it further enacted, that it shall be lawful for any such association to  
 2 purchase, hold and convey real estate as follows:

8 *First.* Such as shall be necessary for its immediate accommodation in the transac-  
 4 tion of its business.

5 *Second.* Such as shall be mortgaged to it, in good faith, by way of security for debts  
 6 previously contracted.



7 *Third.* Such as shall be conveyed to it in satisfaction of debts previously contracted  
8 in the course of its dealings.

9 *Fourth.* Such as it shall purchase at sales, under judgments, decrees or mortgages  
10 held by such association, or shall purchase to secure debts due to said association.  
11 Such association shall not purchase or hold real estate in any other case, or for any  
12 other purpose than as specified in this section; nor shall it hold the possession of any  
13 real estate under mortgage, or hold the title and possession of any real estate purchased  
14 to secure any debts to it for a longer period than five years.

§ 27. And be it further enacted, that the total liabilities to any association, of any  
2 person, or any company, corporation or firm, for money borrowed, including the liabil-  
3 ities of a company or firm, the liabilities of the several members thereof, shall at no  
4 time exceed one-tenth part of the capital stock of such association actually paid in;  
5 *Provided*, that the discount of *bona fide* bills of exchange, drawn against actually exist-  
6 ing values, and the discount of commercial or business paper actually owned by the  
7 person or persons, corporation or firm negotiating the same shall not be considered  
8 as money borrowed.

§ 28. And be it further enacted, that every association that may be organized under  
2 this act shall, at all times, have on hand in lawful money an amount equal to at least  
3 twenty per centum of the aggregate amount of its notes in circulation and its deposits,  
4 and whenever the lawful money of any association shall be below the amount of twenty  
5 per centum of its circulation and deposits, such association shall not increase its liabili-  
6 ties by making any new loans or discounts otherwise than by discounting or purchasing  
7 bills of exchange, payable at sight, nor make any dividend of its profits until the  
8 required proportion between the aggregate amount of its outstanding notes of circula-  
9 tion and deposits, and its lawful money shall be restored: *Provided*, that fifty per cen-  
10 tum of said lawful money reserve may consist of balance to an association available for  
11 the redemption of its circulating notes from associations, approved by the Comptroller  
12 of Banks, organized under this act, in the city of Chicago, and also in the city of St.  
13 Louis, in the State of Missouri, and the cities of Boston, Massachusetts, New York, in  
14 the State of New York, and Philadelphia, in the State of Pennsylvania; and it shall  
15 be competent for the Comptroller of Banks to notify any association whose lawful  
16 money reserve, as aforesaid, shall be below the amount to be kept on hand, as afore-

17 said, to make good such reserve : and if such association shall fail for thirty days there-  
 18 after so to make good its reserve of lawful money, the Comptroller may, with the  
 19 concurrence of the Treasurer, appoint a receiver to wind up the business of such asso-  
 20 ciation, as provided in this act : *Provided*, that nothing in this section shall relieve any  
 21 association from its liability to redeem its circulating notes at its own counter at par in  
 22 lawful money, on demand : *And provided further*, that every association, formed or  
 23 existing under the provisions of this act, shall take and receive at par, for any debt or  
 24 liability to said association, any and all notes or bills issued by any association existing  
 25 under and by virtue of this act.

§ 24. And be it further enacted, that the directors of any association may, semi-  
 2 annually each year, declare a dividend of so much of the net profits of the association as  
 3 they shall judge expedient ; but each association shall, before the declaration of a divi-  
 4 dend, carry one-tenth part, at least, of its net profits of the preceding half year, to its  
 5 surplus fund, until the same shall amount to twenty per centum of its capital stock.

§ 25. And be it further enacted, that every association shall make to the Comp-  
 2 troller of Banks a report according to the form which may be prescribed by him verified  
 3 by the oath or affirmation of the president or cashier of such association, which report  
 4 shall exhibit in detail, and under appropriate heads, the resources and liabilities of the  
 5 association before the commencement of business on the morning of the first Monday of  
 6 the month of January, April, July and October of each year, and shall transmit the  
 7 same to the Comptroller within five days thereafter, and in addition to said reports  
 8 above mentioned, every association shall make to the Comptroller not less than four  
 9 reports during each and every year, according to the form that may be prescribed by  
 10 him, verified by the oath or affirmation of the president or cashier of such association  
 11 and attested by the signature of at least three of the directors, which report shall ex-  
 12 hibit in detail and under appropriate heads, the resources and liabilities of the associa-  
 13 tion at the close of business on any past day, to be by him specified, and shall transmit  
 14 such report to the Comptroller within five days after the receipt of a request or requisi-  
 15 tion therefor from him, and the Comptroller shall have power to call for special reports  
 16 from any particular association, whenever in his judgment the same shall be necessary  
 17 in order to a full and complete knowledge of its condition, and any bank failing to  
 18 make and transmit such report, shall be subject to a penalty of one hundred dollars for

19 each day, after five days, that such report is delayed beyond that time, and the Comp  
 20 troller shall publish abstracts of said reports in a newspaper to be designated by him for  
 21 that purpose, in the cities of Springfield and Chicago, and the separate and complete  
 22 report of each association shall be published in a newspaper in the place where such as-  
 23 sociation is established, or if there be no newspaper at such place, then a newspaper  
 24 published at the nearest place thereto, at the expense of the association making such  
 25 report.

§ 31. And be it further enacted, that no association shall make any loan or discount  
 2 on the security or shares of its own capital stock, nor be the purchaser or holder of any  
 3 such shares, unless such security or purchase shall be necessary to prevent loss upon a  
 4 debt previously contracted, in good faith; and stock so purchased or acquired shall  
 5 within six months from the time of its purchase be sold or disposed of at public or pri-  
 6 vate sale, in default of which, a receiver may be appointed to close up the business of  
 7 the association, according to the provisions of this act

§ 32. And be it further enacted, that no association shall at any time be indebted,  
 2 or in any way liable to any amount exceeding the amount of its capital stock at such  
 3 time actually paid in, and remaining undiminished by losses or otherwise, except on  
 4 the following accounts, that is to say:

5 *First.* On account of its notes of circulation.

6 *Second.* On account of moneys deposited with or collected by such association.

7 *Third.* On account of bills of exchange or drafts drawn against money actually on  
 8 deposit to the credit of such association, or due thereto.

9 *Fourth.* On account of liabilities to its stockholders for dividends and reserved  
 10 profits.

§ 33. And be it further enacted, that no association shall, either directly or indi-  
 2 rectly, pledge or hypothecate any of its notes of circulation for the purpose of procur-  
 3 ing money to be paid in on its capital stock, or to be used in its banking operations, or  
 4 otherwise; nor shall any association use its circulating notes, or any part thereof, in  
 5 any manner or form, to create or increase its capital stock.

§ 34. And be it further enacted, that no association, nor any member thereof, shall,  
 2 during the time it shall continue its banking operations, withdraw, or permit to be  
 3 withdrawn, either in form of dividends or otherwise, any portion of its capital;

4 and if losses shall at any time have been sustained by any such association equal to or  
 5 exceeding its undivided profits then on hand, no dividend shall be made; and no divi-  
 6 dend shall ever be made by any association while it shall continue its banking opera-  
 7 tions to an amount greater than its net profits then on hand, deducting therefrom its  
 8 losses and bad debts, and all debts due to any association on which interest is past due  
 9 and unpaid for a period of three months, unless the same shall be well secured and  
 10 shall be in process of collection, shall be considered bad debts, within the meaning of  
 11 this act: *Provided*, that nothing in this section shall prevent the reduction of the  
 12 capital stock of the association under the thirteenth section of this act.

§ 35. And be it further enacted, that no association shall, at any time, pay out on  
 2 loans or discounts, or in purchasing drafts or bills of exchange, or in payment of depos-  
 3 its, or in any other mode, pay or put in circulation the notes of any bank or banking  
 4 association which shall not at any such time be receivable at par on deposit and in pay-  
 5 ment of debts by the association so paying out or circulating such notes; nor shall it  
 6 knowingly pay out or put in circulation any notes issued by any bank or banking  
 7 association which at the time of such paying out or putting in circulation is not redeem-  
 8 ing its circulating notes in lawful money.

§ 36. And be it further enacted, that the president and cashier of every such asso-  
 2 ciation shall cause to be kept at all times a full and correct list of the names and resi-  
 3 dences of all the shareholders in the association, and the number of shares held by each  
 4 in the office where its business is transacted; and such list shall be subject to the in-  
 5 spection of all the shareholders and creditors of the association, and the officers author-  
 6 ized to assess taxes under State authority, during business hours of each day in which  
 7 business may be legally transacted, and a copy of such list, on the first Monday of July  
 8 in each year, verified by the oath of such president or cashier, shall be transmitted to  
 9 the Comptroller of Banks.

§ 37. And be it further enacted, that the plates and dies to be procured by the Sec-  
 2 retary of State for the printing of such circulating notes, shall remain under the con-  
 3 trol and direction of the Comptroller of Banks, and the expenses necessarily incurred  
 4 in executing the provisions of this act, respecting the procuring of such notes and all  
 5 other expenses of the bureau, shall be paid out of the proceeds of the taxes or duties  
 6 now or hereafter to be assessed on the circulation and collected from associations or-

7 gaunized under this act, and for that purpose every association shall pay to the State  
 8 Treasurer in the months of January and July, a duty of one-half of one per centum  
 9 each half year from and after the time this act shall take effect, upon the average  
 10 amount of its notes in circulation, and a duty of one quarter of one per centum each  
 11 half year upon the average amount of its deposits, and a duty of one quarter of one per  
 12 centum each half year as aforesaid, on the average amount of its capital paid in, in ex-  
 13 cess of the amount required to be paid in to secure the amount of circulating notes then  
 14 outstanding, and in case of default in the payment thereof by any associations, the duties  
 15 and assessments aforesaid, may be reserved by the treasurer out of the interest as it  
 16 may become due on the bonds deposited with him by such defaulting association, and  
 17 it shall be the duty of each association within ten days from the first days of January  
 18 and July of each year, to make a return under the oath of its president or cashier to  
 19 the State Treasurer in such form as he may prescribe, of the average amount of its  
 20 notes in circulation, and of the average amount of its deposits, and of the average  
 21 amount of its capital stock, beyond the amount paid in, in excess of the amount neces-  
 22 sary to secure the circulating notes at that time issued to said association for the six  
 23 months next preceeding said first days of January and July as aforesaid, and in default  
 24 of such return, and for each default thereof, each defaulting association shall forfeit  
 25 and pay to the State of Illinois, the sum of two hundred dollars, to be collected either  
 26 out of the interest as it may become due such association, on the bonds deposited with  
 27 the treasurer or, at his option, in the manner in which penalties are to be collected of  
 28 other corporations under the laws of this State; and in case of such default the amount  
 29 of duties to be paid by such association shall be assessed upon the amount of notes deliv-  
 30 ered to such association by the Comptroller of Banks, and upon the highest amount of  
 31 its deposits and capital stock to be ascertained in such other manner as the treasurer may  
 32 deem best: *Provided*, that nothing in this act shall be construed to prevent all the  
 33 shares in any of the said associations held by any person or body corporate, from being  
 34 included in the valuation of the personal property of such association or corporation in  
 35 the assessment of taxes imposed by or under the State authority, at the place where  
 36 such bank is located, and not elsewhere, but not at a greater rate than is assessed upon  
 37 other monied capital in the hands of individual citizens of the State of Illinois: *Pro-*  
 38 *vided, also*, that nothing in this act shall exempt the real estate of associations from either

39 State, county or municipal taxes to the same extent according to its value as other real  
40 estate is taxed.

§ 38. And be it further enacted, that any association may go into liquidation and be  
2 closed by the vote of its shareholders owning two-thirds of its stock, and whenever  
3 such votes shall be taken, it shall be the duty of the board of directors to cause notice  
4 of this fact to be certified, under the seal of the association, by its president or cashier,  
5 to the Comptroller of Banks, and publication thereof to be made for a period of two  
6 months in a newspaper published in the city of Springfield, and in the city of Chicago,  
7 also in a newspaper published in the city or town in which the association is located, and  
8 if no newspaper be there published therein, in the newspaper published nearest thereto,  
9 that said association is closing up its affairs, and notifying the holders of its notes and  
10 other creditors to present the notes and other claims against the association for pay-  
11 ment. And at any time after the expiration of one year from the time of publication  
12 of such notice as aforesaid, the said association may pay over to the State Treasurer the  
13 amount of its outstanding notes in lawful money, and take up the bonds which said  
14 association has on deposit with the Treasurer for the security of its circulating notes,  
15 which bonds shall be assigned to the bank in the manner specified in the nineteenth  
16 section of this act, and from that time the outstanding notes of said association shall be  
17 redeemed at the office of the State Treasurer, and the said association and the share-  
18 holders thereof shall be discharged from all liabilities therefor.

§ 39. And be it further enacted, that the Treasurer, on receiving from an associa-  
2 tion lawful money for the payment and redemption of its outstanding notes, as provided  
3 for in the preceding section of this act, shall execute duplicate receipts of therefor, one  
4 to the association, and the other to the Comptroller of Banks, stating the amount  
5 received by him, and the purpose for which it has been received, which amount shall  
6 be paid into the State Treasury and placed to the credit of such association upon  
7 redemption account; and it shall be the duty of the Treasurer, whenever he shall  
8 redeem any of the notes of said association, to cause the same to be mutilated and  
9 charged to the redemption account of said association; and all notes so redeemed by  
10 the Treasurer shall, every three months, be certified to and burned, in the manner pre-  
11 scribed in the twenty-second section of this act.

§ 40. And be it further enacted, that if any such association shall at any time fail  
2 to redeem, in lawful money, any of its circulating notes when payment thereof shall

demanded, during the usual hours of business, at the office of such association, or at its place of redemption aforesaid, the holder may cause the same to be protested, in one package, by a notary public, unless the president or cashier of the association, whose notes are presented for payment, or the president or cashier of the association at the place at which they are redeemable, shall offer to waive, demand and notice of the protest, and shall, in pursuance of such offer, make, sign and deliver to the party making such demand, an admission in writing, stating the time of the demand, the amount demanded, and the fact of the non-payment thereof, and such notary public on making such protest, or upon receiving such admission, shall forthwith forward such admission or notice of protest to the Comptroller of Banks, retaining a copy thereof, and after such default, on examination of the facts by the Comptroller, and notice by him to the association, it shall not be lawful for the association suffering the same, to pay out any of its notes, discount any notes or bills, or otherwise prosecute the business of banking, except to receive and safely keep money belonging to it, and to deliver special deposits: *Provided*, that if satisfactory proof be produced to such notary public, that the payment of any such notes is restrained by order or any court of competent jurisdiction, such notary public shall not protest the same, and when the holder of such notes shall cause more than one note or package to be protested on the same day, he shall not receive pay for more than one protest.

§ 41. And be it further enacted, that on receiving notice that any such association has failed to redeem any of its circulating notes, as specified in the next preceding section, the Comptroller of Banks, with the concurrence of the treasurer, may appoint a special agent (of whose appointment immediate notice shall be given to such association) who shall immediately proceed to ascertain whether such association has refused to pay its circulating notes in lawful money when demanded as aforesaid, and report to the Comptroller the facts so ascertained; and if from such protest or the report so made the Comptroller shall be satisfied that such association has refused to pay its circulating notes as aforesaid, and is in default, he shall, within thirty days after he shall have received notice of such failure, declare the United States stocks and Illinois State stocks, pledged by such association, forfeited to the State, and the same shall thereupon be forfeited accordingly; and thereupon the Comptroller shall immediately give notice in such manner as the treasurer shall, by general rules or otherwise direct, to the holders

14 of the circulating notes of such association, to present them for payment at the treasury  
 15 of the State, and the same shall be paid as presented in lawful money; whereupon said  
 16 Comptroller may, in his discretion, withdraw an amount of bonds pledged by such  
 17 association, equal at current rates, not exceeding par to the notes paid, and it shall be  
 18 lawful for the treasurer, from time to time, to make such regulations respecting the dis-  
 19 position to be made of such circulating notes after presentation thereof for payment as  
 20 aforesaid, and respecting the perpetuation of the evidence of the payment thereof as  
 21 may seem to him proper; but all such notes on being paid, shall be cancelled, and for  
 22 any deficiency in the proceeds of the bonds pledged by such association, when disposed  
 23 of as hereinafter specified, to reimburse the State the amount so expended in paying  
 24 the circulating notes of such association, the State shall have a first and paramount lien  
 25 upon all the assets of such association, and such deficiency shall be made good out of  
 26 such assets in preference to any and all other claims whatsoever, except the necessary  
 27 costs and expenses of administering the same.

§ 42. And be it further enacted, that whenever, the Comptroller shall become satis-  
 2 fied, as in the last preceding section specified, that any association has refused to pay its  
 3 circulating notes as therein mentioned, he may cause the United States stocks or Illi-  
 4 nois State stocks deposited with the Treasurer, or so much of them as may be necessary  
 5 to redeem the outstanding circulating notes of such association, to be sold at public  
 6 auction, in the city of Springfield or Chicago, after giving thirty days' notice of such  
 7 sale to such association.

§ 43. And be it further enacted, that the Comptroller of Banks may, if he shall be  
 2 of opinion that the interests of the State will be best promoted thereby, sell at private  
 3 sale any of the United States stocks or Illinois State stocks pledged by such association,  
 4 and receive therefor either money or the circulating notes of such failing association:  
 5 *Provided*, that no such bonds shall be sold by private sale for less than par, nor less  
 6 than the market value thereof at the time of sale: *And provided further*, that no sales  
 7 of any such bonds, either public or private, shall be complete until the transfer thereof  
 8 shall have been made with the formalities prescribed in this act.

§ 44. And be it further enacted, that on becoming satisfied as specified in this act,  
 2 that any association has refused to pay its circulating notes, as therein mentioned, and is  
 3 in default, the Comptroller of Banks may forthwith appoint a receiver, and require of



4 him such bond and security as he shall deem proper, who, under the direction of the  
 5 Comptroller, shall take possession of the books, records and assets of every description  
 6 of such association, collect all debts, dues and claims belonging to such association, and  
 7 upon the order of a court of record of competent jurisdiction, may sell or compound  
 8 all bad or doubtful debts, and on a like order sell all the real and personal property of  
 9 such association, on such terms as the court shall direct, and may, if necessary to pay  
 10 the debts of such association, enforce the individual liability of the stockholders, pro-  
 11 vided for by the twelfth section of this act; and such receiver shall pay over all moneys  
 12 so made to the Treasurer of the State of Illinois, subject to the order of the Comptroller  
 13 of Banks, and also make report to the Comptroller of all his acts and proceedings. The  
 14 Comptroller shall thereupon cause notice to be given, by advertisement, in such news-  
 15 papers in Springfield and Chicago as he may direct, for three consecutive months, call-  
 16 ing on all persons who may have claims against such association, to present the same, and  
 17 to make legal proof thereof, and from time to time the Comptroller, after full provision  
 18 shall have been first made for refunding to the State any such deficiency in redeeming  
 19 the notes of such association as is mentioned in this act, shall make a ratable dividend  
 20 of the money so paid over to him by such receiver on all such claims as may have been  
 21 proved to his satisfaction, or adjudicated in a court of competent jurisdiction; and  
 22 from time to time, as the proceeds of the assets of such association shall be paid over  
 23 to him, he shall make further dividends, as aforesaid, on all claims previously proved  
 24 or adjudicated, and the remainder of such proceeds, if any, shall be paid over to the  
 25 shareholders of such association, or their legal representatives, in proportion to the stock  
 26 by them respectively held: *Provided, however,* that if such association, against which  
 27 proceedings have been so instituted on account of any alleged refusal to redeem its cir-  
 28 culating notes as aforesaid, shall deny having failed to do so, such association may, any  
 29 time within ten days after such association shall have been notified of the appointment  
 30 of an agent, as provided in this act, apply to the nearest circuit court of the State  
 31 of Illinois to enjoin farther proceedings in the premises, and such court, after citing  
 32 the Comptroller of Banks to show cause why further proceedings should not be en-  
 33 joined, and after the decision of the court, or the finding of a jury that such associa-  
 34 tion has not refused to redeem its circulating notes, when legally presented, in lawful

31  
85 money, shall make an order enjoining the Comptroller, and any receiver acting under  
86 his direction from all further proceedings on account of such alleged refusal.

§ 45. And be it further enacted, that all fees for protesting the notes issued by any  
2 such banking association shall be paid by the person procuring the protest to be made,  
3 and such banking association shall be liable therefor; but no part of the bonds pledged  
4 by such banking association as aforesaid shall be applied to the payment of such fees;  
5 and all expenses of any preliminary or other examinations into the condition of any  
6 association shall be paid by such association; and all expenses of any receivership shall  
7 be paid out of the assets of such association before distribution of the proceeds thereof.

§ 46. And be it further enacted, that all transfer of the notes, bonds, bills of ex-  
2 change and other evidences of debt owing to any association, or of deposits to its credit,  
3 all assignments of mortgages, sureties or real estate, or of judgments or decrees in its  
4 favor, all deposits of money, bullion or other valuable thing, for its use, or for the use  
5 of any of its shareholders or creditors, and all payments of money to either, made after  
6 the commission of an act of insolvency, or in contemplation thereof, with a view to  
7 prevent the application of its assets in the manner prescribed by this act, with a view  
8 to the preference of one creditor to another, except in payment of its circulating notes  
9 shall be utterly null and void.

§ 47. And be it further enacted, that if the directors of any association shall know-  
2 ingly violate, or knowingly permit any of the officers, agents or servants of the asso-  
3 ciation to violate any of the provisions of this act, all the rights, privileges and fran-  
4 chises of the association derived from this act shall be thereby forfeited; such violation  
5 shall, however, be determined and adjudged by a circuit court, in a suit brought for  
6 that purpose, by the Comptroller of Banks, in his own name, before the association  
7 shall be declared dissolved; and in cases of such violation, every director who partici-  
8 pated in or assented to the same shall be held liable in his personal and individual  
9 capacity for all damages which the association, its shareholders or any other person  
10 shall have sustained in consequence of such violation.

§ 48. And be it further enacted, that the Comptroller of Banks with the approba-  
2 tion of the treasurer as often as shall be deemed necessary or proper, shall appoint a  
3 suitable person or persons to make an examination of the affairs of every banking as-  
4 sociation, which person shall not be a director or other officer in any association whose

1     affairs he shall be appointed to examine, and who shall have power to make a thorough  
2     examination into all the affairs of the association, and in doing so, to examine any of the  
3     officers and agents thereof on oath, and shall make a full and detailed report of the con-  
4     dition of the association to the Comptroller, and the association shall not be subject to  
5     any other visitorial powers than such as are authorized by this act, except such as are  
6     vested in the several courts of law and chancery, and every person appointed to make  
7     such examination shall receive compensation for such examination as follows: For ex-  
8     amining a bank having a less capital than two hundred thousand dollars, twenty-five  
9     dollars; between two hundred thousand dollars and three hundred thousand dollars,  
10    thirty dollars; between three hundred thousand dollars and five hundred thousand dol-  
11    lars, forty dollars; exceeding five hundred thousand dollars, seventy-five dollars; which  
12    amounts shall be assessed by the Comptroller of Banks upon and paid by the respective  
13    associations so examined.

§ 49. And be it further enacted, that every president, cashier, teller, clerk or agent  
2    of any association who shall embezzle, abstract or willfully misapply any of the mon-  
3    ey's, funds or credits of the association, or shall without authority from the directors,  
4    issue or put in circulation any of the notes of the association, or shall without such  
5    authority issue or put forth any certificate of deposit, draw any order or bill of ex-  
6    change, make any acceptance, assign any note, bond, draft, bill of exchange, mort-  
7    gage, judgment or decree, or shall make any false entry in any book, report or state-  
8    ment of the association with intent in either case to injure or defraud the association,  
9    or any other company, body, politic or corporate, or any individual person, or to de-  
10   ceive any officer of the association, or any agent appointed to examine the affairs of  
11   any such association shall be deemed guilty of a misdemeanor and upon conviction  
12   thereof shall be punished by imprisonment not less than five nor more than ten years.

§ 50. And be it further enacted, that all suits and proceedings arising out of the  
2   provisions of act in which the State or its officers or agents shall be parties, shall be  
3   conducted by the States Attorney's in the jurisdiction where the association is located,  
4   concerning which the proceeding is had under the direction and supervision of the  
5   Attorney General.

§ 51. And be it further enacted, that suits, actions and proceedings against any

1 association under this act may be had in any circuit court of the State held within the  
 2 jurisdiction or circuit in which such association may be established.

§ 52. And be it further enacted, that every person who shall mutilate, cut, deface,  
 2 disfigure or perforate with holes, or shall unite or cement together or do any other  
 3 thing to any bank bill, draft, note or other evidence of debt issued by any such associa-  
 4 tion, shall cause or procure the same to be done with intent to render such bank  
 5 bill, draft, note or other evidence of debt unfit to be re-issued by said association, shall  
 6 upon conviction forfeit fifty dollars to the association who shall be injured thereby to  
 7 be recovered by action in any court having jurisdiction.

§ 53. And be it further enacted, that if any person shall falsely make, forge or  
 2 counterfeit, or cause or procure to be made, forged or counterfeited; or willingly aid  
 3 or assist in falsely making, forging or counterfeiting any note in imitation of, or pur-  
 4 porting to be in imitation of the circulating notes issued under the provisions of this  
 5 act, or shall pass, utter or publish, or attempt to pass, utter or publish, any false, forged  
 6 or counterfeited note, purporting to be issued by any association doing a banking busi-  
 7 ness under the provisions of this act, knowing the same to be falsely made, forged or  
 8 counterfeited or shall falsely alter, or cause to procure to be falsely altered, or willingly  
 9 aid or assists in falsely altering any such circulating notes issued as aforesaid, or shall  
 10 pass, utter or publish, or attempt to pass, utter or publish as true, any falsely altered or  
 11 spurious circulating notes issued, or purported to have been issued as aforesaid, know-  
 12 ing the same to be falsely altered or spurious, every such person shall be deemed and  
 13 adjudged guilty of felony, and being convicted thereof by due course of law, shall be  
 14 sentenced to be imprisoned and kept at hard labor in the State penitentiary, for a  
 15 period not less than five years nor more than fifteen years, and fined in a sum not ex-  
 16 ceeding one thousand dollars.

§ 54. And be it further enacted, that if any person shall make or engrave, or cause  
 2 or procure to be made or engraved, or shall have in his custody or possession, any  
 3 plate, die or block, after the similitude of any plate, die or block, from which any cir-  
 4 culating notes issued as aforesaid, shall have been prepared with intent to use such  
 5 plate, die or block, or cause or suffer the same to be used in forging or counterfeiting  
 6 any of the notes issued as aforesaid, or shall have in his custody or possession any  
 7 blank note or notes engraved and printed after the similitude of any notes issued as

8 aforesaid, with intent to use such blanks, or cause or suffer the same to be used in  
 9 forging or counterfeiting any of the notes issued as aforesaid, or shall have in his cus-  
 10 tody or possession, any paper adapted to the making of such notes and similar to the  
 11 paper upon which any such notes shall have been issued with intent to use such paper,  
 12 or cause or suffer the same to be used in forging or counterfeiting any of the notes is-  
 13 sued as aforesaid, every such person being thereof convicted by due course of law,  
 14 shall be sentenced to be imprisoned and kept at hard labor for a term not less than five  
 15 years or more than fifteen years, and fined in a sum not exceeding one thousand dol-  
 16 lars.

§ 55. And be it further enacted, that it shall be the duty of the Comptroller of  
 2 Banks to report to the Governor annually, and to the Senate and House of Represent-  
 3 atives at the commencement of each session :

4 *First.* A summary of the state and condition of every association from whom reports  
 5 have been received of the preceding year, at the the several dates to which such reports  
 6 refer, with an abstract of the whole amount of banking capital returned by them, of the  
 7 whole amount of their debts and liabilities, the amount of circulating notes outstand-  
 8 ing, and the total amount of means and resources, specifying the amount of lawful  
 9 money held by them at the time of their several returns, and such other information  
 10 in relation to said associations as, in his judgment, may be useful.

11 *Second.* A statement of the associations whose business has been closed during the  
 12 year, with the amount of their circulation redeemed and the amount outstanding.

13 *Third.* Any amendment to the laws relative to banking by which the system may  
 14 be improved, and the security of the holders of its notes and other creditors may  
 15 be increased.

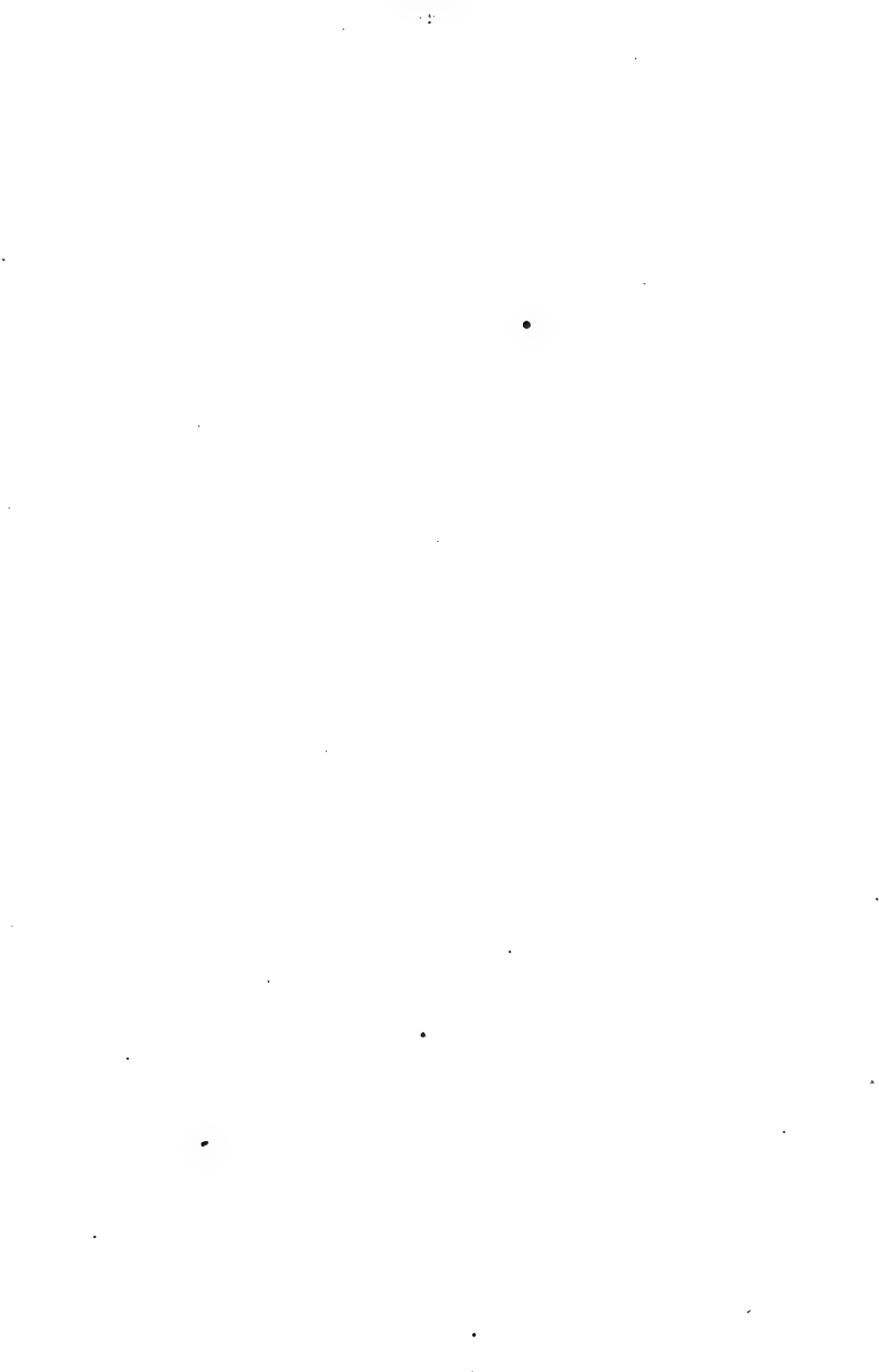
16 *Fourth.* The names and compensation of the clerks employed by him, and the  
 17 whole amount of the expenses of the banking department during the year; and  
 18 such report shall be made by or before the first day of December in each year, and a  
 19 sufficient number of copies of such report shall be printed to supply each Senator and  
 20 Representative, and one to each association organized under this act, and such number  
 21 as the Comptroller may designate for the use of his office, and these printed reports  
 22 shall be ready for distribution at the time of the meeting of the General Assembly.

§ 56. And be it further enacted, that persons holding stock as executors, adminis-

2   trators, guardians and trustees shall not be personally subject to any liabilities as  
3   stockholders, but the estates and funds in their hands shall be liable in like manner  
4   and to the same extent as the testator, intestate, ward or person interested in said  
5   trust funds, would be if they were respectively living and competent to act and hold  
6   the stock in their own names.

§ 57. And be it further enacted, that the General Assembly may at any time  
2   amend, alter or repeal this act.

•



1. Introduced by Mr. Dement January 20, 1879, and ordered to first reading.
2. First reading January 20, 1879, and referred to Committee on Insurance.
3. Reported back with Amendments, passage recommended, and ordered to second reading January 30, 1879.

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AMENDMENTS TO SENATE BILL No. 93, REPORTED FROM COMMITTEE ON  
INSURANCE.

- Amend by striking out of line 6 in section 4, the word "district," and insert in lieu thereof the word "states." Amend by inserting after the word "people" in line 5 section 4, the words "of the State of Illinois."
- Strike out of lines 11 and 12 the words "poor of said county," any insert in lieu thereof, the words "common school fund of such county."
- Strike out of line 2, section 5, the words "this State," and insert instead thereof, the words "Public Accounts."

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**A BILL**

For an act to prevent Fire Insurance Companies from advertising as assets, anything not available for the payment of losses by fire.

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SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That it shall not be lawful for any company, corporation, association, individual or individuals, now transacting, or now or hereafter authorized under any existing or future laws of this State, to transact the business of fire insurance within this State to state or represent, either by advertisement in any newspaper, magazine or periodical, or by any sign, circular, card, policy of insurance, or certificate of renewal thereof, or otherwise, any funds or assets to be in possession of any such company, corporation, association, individual or individuals, not actually possessed by*



9 such company, corporation, association, individual or individuals, and available for the  
10 payment of losses by fire, and held for the protection primarily of holders of policies of  
11 fire insurance.

§ 2. Every advertisement or public announcement, and every sign, circular or card, hereafter made or issued by any company, corporation, association, individual or individuals, or any officer, agent, manager or legal representative thereof, now or hereafter authorized by any existing or future laws of this State, to transact the business of fire insurance within this State, which shall purport to make known the financial standing of any such company, corporation, association, individual or individuals, shall exhibit the capital actually paid in in cash, and the amount of net surplus of assets over all liabilities of such company, corporation, association, individual or individuals, actually available for the payment of losses by fire, and held for the protection primarily of holders of their policies of fire insurance, including in such liabilities the fund reserved for reinsurance of outstanding risks, and shall correspond with the verified statement made by the company, corporation, association, individual or individuals making or issuing the same, to the insurance department of this State next preceeding the making or issuing of the same, but no such advertisement in any of the forms herein expressed shall include or contain any declaration or statement respecting any authorized or subscribed capital save only so much thereof as shall have been actually paid in cash and possessed by the company.

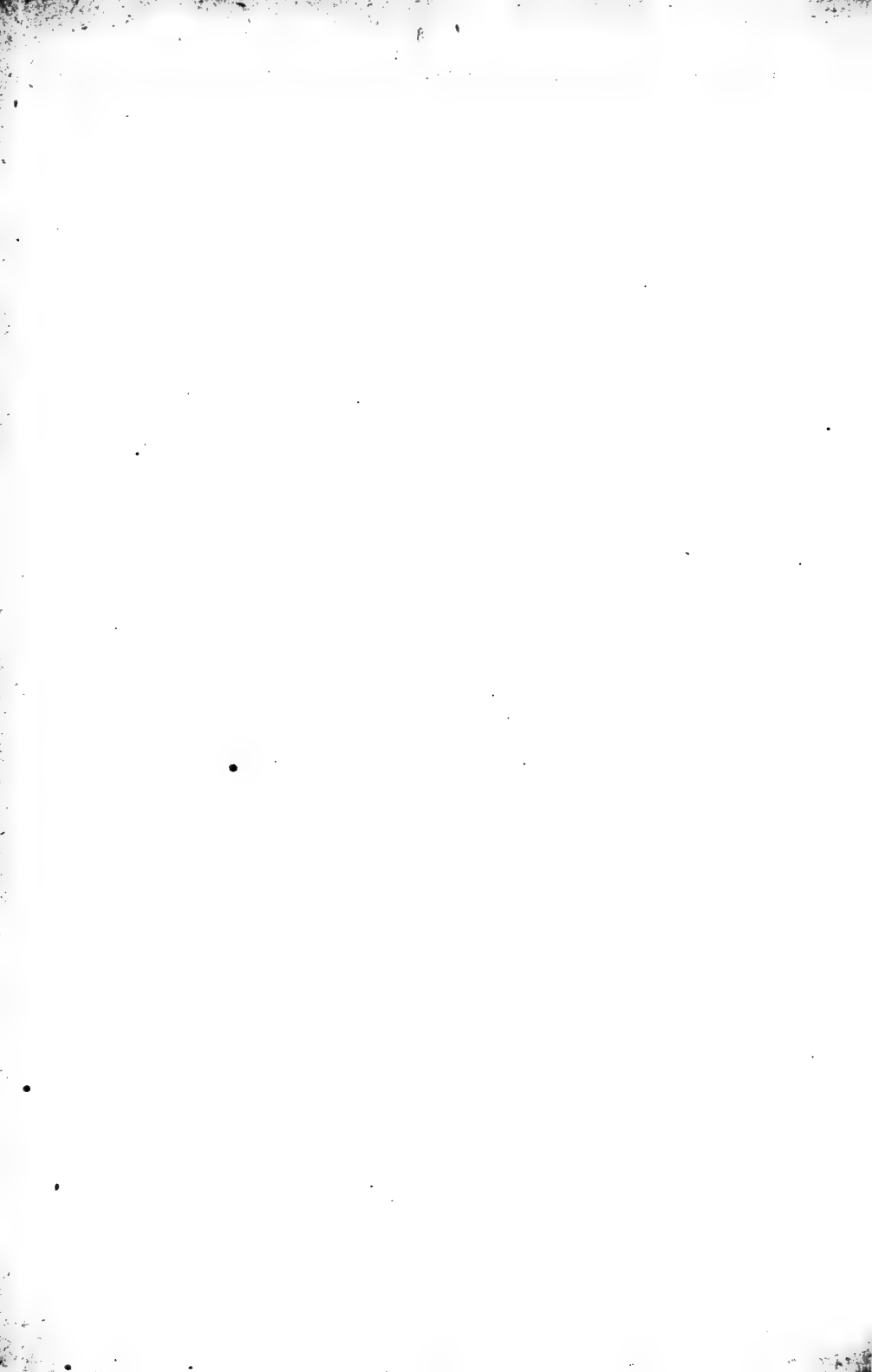
§ 8. Nothing in this act shall be construed to prohibit any insurance company, or association, from publishing in any policy or certificate of renewal thereof, a single item showing the amount of their authorized or subscribed capital as set forth in their charter, act of incorporation, deed of settlement, or articles of association, under which they are authorized to transact the business of insurance, provided however that such publication shall be made only upon such policies or certificates of renewal as shall be already printed, and contain the same at the time of the passage of this act, and further provided that no such publication shall be made in any such policy or certificate unless the same shall be issued within six months from the passage of this act.

§ 4. Any violation of any provision of this act, shall, for the first offense, subject the company, corporation, association, individual or individuals, guilty of such violation, to a penalty of five hundred dollars, to [be] sued for and recovered in the name of

4 the people, with costs and expenses of such prosecution, by the district attorney of any  
5 county in which the company, corporation, association, individual or individuals, shall  
6 be located, or may transact business or in any county where such offence may be com-  
7 mitted, and such penalty when recovered, shall be paid into the treasury of such  
8 county for the benefit of the poor of said county. Every subsequent violation shall sub-  
9 ject the company, corporation, association, individual or individuals, guilty of such  
10 violation, to pay a penalty of not less than one thousand dollars, which shall be sued  
11 for, recovered and disposed of, in like manner as for the first offence.

§ 5. It shall be the duty of the Auditor of this State to take cognizance of the pro-  
2 visions of this act, and to bring such violations to the attention of any company in re-  
3 spect to which such violation shall be committed, and in case of persistent violations of  
4 such provisions in respect to any company, it shall be his duty if the company be  
5 chartered by this State, to report the same to the Attorney-General for dissolution; and  
6 if it be a company incorporated by any other State or Country, it shall be his duty to  
7 revoke its authority to do business in this State.

§ 6. All acts or parts of acts inconsistent herewith, are hereby repealed.



1. Introduced by Mr. Dement January 20, 1879, and ordered to first reading.
2. First reading January 20, 1879, and referred to Committee on Insurance.
3. Reported back with amendments, passage recommended, and ordered to second reading January 30, 1879.
4. February 11 second reading, amendments adopted, ordered third reading.

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## A BILL

For an act to prevent Fire Insurance Companies from advertising as assets, anything not available for the payment of losses by fire.

---

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That it shall not be lawful for any company, corporation, association, individual or individuals, now transacting, or now or hereafter authorized under any existing or future laws of this State, to transact the business of fire insurance within this State to state or represent, either by advertisement in any newspaper, magazine or periodical, or by any sign, circular, card, policy of insurance, or certificate of renewal thereof, or otherwise, any funds or assets to be in possession of any such company, corporation, association, individual or individuals, not actually possessed by such company, corporation, association, individual or individuals, and available for the payment of losses by fire, and held within the United States for the protection primarily of holders of policies of fire insurance.

§ 2. Every advertisement or public announcement, and every sign, circular or card, hereafter made or issued by any company, corporation, association, individual or individuals, or any officer, agent, manager or legal representative thereof, now or hereafter authorized by any existing or future laws of this State, to transact the business of fire

5 insurance within this State, which shall purport to make known the financial standing  
 6 of any such company, corporation, association, individual or individuals, shall exhibit  
 7 the capital actually paid in in cash, and the amount of net surplus of assets over all  
 8 liabilities of such company, corporation, association, individual or individuals, actually  
 9 available for the payment of losses by fire, and held within the United States for the  
 10 protection primarily of holders of their policies of fire insurance, including in such  
 11 liabilities, the fund reserved for re-insurance of outstanding risks, and shall correspond  
 12 with the verified statement made by the company, corporation, association, individual  
 13 or individuals making or issuing the same, to the insurance department of this State  
 14 next preceding the making or issuing of the same, but no such advertisement in any of  
 15 the forms herein expressed shall include or contain any declaration or statement re-  
 16 specting any authorized or subscribed capital save only so much thereof as shall have  
 17 been actually paid in in cash and possessed by the company.

§ 3. Nothing in this act shall be construed to prohibit any insurance company, or  
 2 association, from publishing in any policy or certificate of renewal thereof, a single  
 3 item showing the amount of their authorized or subscribed capital asset forth in their  
 4 charter, act of incorporation, deed of settlement, or article of association, under which  
 5 they are authorized to transact the business of insurance, provided, however, that such  
 6 publication shall be made only upon such policies or certificates of renewal as shall be  
 7 already printed, and contain the same at the time of the passage of this act, and *further*  
 8 *or provided* that no such publication shall be made in any such policy or certificate un-  
 9 less the same shall be issued within six months from the passage of this act.

§ 4. Any violation of any provision of this act, shall, for the first offense, subject  
 2 the company, corporation, association, individual or individuals, guilty of such viola-  
 3 tion, to a penalty of five hundred dollars, to be sued for and recovered in the name of  
 4 the people of the State of Illinois with costs and expenses of such prosecution, by the  
 5 States attorney of any county in which the company, corporation, association, individ-  
 6 ual or individuals, shall be located, or may transact business or in any county where  
 7 such offence may be committed, and such penalty when recovered, shall be paid into  
 8 the treasury of such county for the benefit of the common school fund of such county.  
 9 Every subsequent violation shall subject the company, corporation, association, indi-  
 10 vidual or individuals, guilty of such violation, to pay a penalty of not less than one

11 thousand dollars, which shall be sued for, recovered and disposed of, in like manner as  
12 for the first offence.

§ 5. It shall be the duty of the Auditor of Public Accounts to take cognizance of  
2 the provisions of this act, and to bring such violations to the attention of any com-  
3 pany in respect to which such violation shall be committed, and in case of persistent  
4 violations of such provisions in respect to any company, it shall be his duty if the  
5 company be chartered by this State, to report the same to the Attorney-General for  
6 dissolution; and if it be a company incorporated by any other State or Country, it  
7 shall be his duty to revoke its authority to do business in this State.

§ 6. All acts or parts of acts inconsistent herewith, are hereby repealed.



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(In House.)

1. Reported to House February 26, 1879.
2. First reading March 3, 1879, and referred to Committee on Insurance.
3. Reported back with amendments, passage recommended, and ordered to second reading March 21, 1879.

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Committee amendments to Senate Bill No. 93.

- Amend by striking out in line 10 section 1, printed bill, the words "held within the
- 2 United States" and the word "primarily."
- 3 Amend by striking out of lines 9 and 10 in section 2, printed copy, the words "held
- 4 in the United States," and the word "primarily."
- 5 Amend by inserting after the word "five," line 11 section 1, printed copy, the words
- 6 "and marine."
- 7 Amend by striking out in line 9 section 2, printed copy, after the word "of" the
- 8 words "losses by fire," and insert after the word "of" the words "fire and marine losses."
- 9 After the word "assets" in line 7 section 2, printed copy, insert "as allowed by the
- 10 Auditor of Public Accounts of the State of Illinois."

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**A BILL**

For an Act to prevent Fire Insurance Companies from advertising as assets anything not  
available for the payment of losses by fire.

- 
- SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General*
- 2 *Assembly, That it shall not be lawful for any company, corporation, association, indi-*



3 vidual or individuals, now transacting, or now or hereafter authorized under any exist-  
 4 ing or future laws of this State, to transact the business of fire insurance within this  
 5 State to state or represent, either by advertisement in any newspaper, magazine or  
 6 periodical, or by any sign, circular, card, policy of insurance, or certificate of renewal  
 7 thereof, or otherwise, any funds or assets to be in possession of any such company, cor-  
 8 poration, association, individual or individuals, not actually possessed by such com-  
 9 pany, corporation, association, individual or individuals, and available for the payment  
 10 of losses by fire, and held within the United States for the protection primarily of  
 11 holders of policies of fire insurance.

§ 2. Every advertisement or public announcement, and every sign, circular or card,  
 2 hereafter made or issued by any company, corporation, association, individual or indi-  
 3 viduals, or any officer, agent, manager or legal representative thereof, now or hereafter  
 4 authorized by any existing or future laws of this State, to transact the business of fire  
 5 insurance within this State, which shall purport to make known the financial standing  
 6 of any such company, corporation, association, individual or individuals, shall exhibit  
 7 the capital actually paid in in cash, and the amount of net surplus of assets over all  
 8 liabilities of such company, corporation, association, individual or individuals, actually  
 9 available for the payment of losses by fire, and held within the United States for the  
 10 protection primarily of holders of their policies of fire insurance, including in such  
 11 liabilities the fund reserved for re-insurance of outstanding risks, and shall correspond  
 12 with the verified statement made by the company, corporation, association, individual  
 13 or individuals making or issuing the same, to the insurance department of this State  
 14 next preceding the making or issuing of the same, but no such advertisement in any of  
 15 the forms herein expressed shall include or contain any declaration or statement res-  
 16 pecting any authorized or subscribed capital save only so much thereof as shall have  
 17 been actually paid in in cash and possessed by the company.

§ 3. Nothing in this act shall be construed to prohibit any insurance company, or  
 2 association, from publishing in any policy or certificate of renewal thereof, a single  
 3 item showing the amount of their authorized or subscribed capital, as set forth in their  
 4 charter, act of incorporation, deed of settlement, or articles of association, under which  
 5 they are authorized to transact the business of insurance, provided, however, that such

6 publication shall be made only upon such policies or certificates of renewal as shall be  
 7 already printed, and contain the same at the time of the passage of this act, and furth-  
 8 er provided, that no such publication shall be made in any such policy or certificate  
 9 unless the same shall be issued within six months from the passage of this act.

§ 4. Any violation of any provision of this act, shall, for the first offense, subject  
 12 the company, corporation, association, individual or individuals, guilty of such viola-  
 13 tion, to a penalty of five hundred dollars, to be sued for and recovered in the name of  
 14 the people of the State of Illinois with costs and expenses of such prosecution, by the  
 15 States Attorney of any county in which the company, corporation, association, individ-  
 16 ual or individuals, shall be located, or may transact business or in any county where  
 17 such offence may be committed, and such penalty when recovered, shall be paid into  
 18 the treasury of such county for the benefit of the common school fund of such county.  
 19 Every subsequent violation shall subject the company, corporation, association, indi-  
 20 vidual or individuals, guilty of such violation, to pay a penalty of not less than one  
 21 thousand dollars, which shall be sued for, recovered and disposed of in like manner as  
 22 for the first offense.

§ 5. It shall be the duty of the Auditor of Public Accounts to take cognizance of the  
 2 provisions of this act, and to bring such violations to the attention of any company in  
 3 respect to which such violation shall be committed, and in case of persistent violations  
 4 of such provisions in respect to any company, it shall be his duty, if the company be  
 5 chartered by this State, to report the same to the Attorney General for dissolution;  
 6 and if it be a company incorporated by any other State or country, it shall be his duty  
 7 to revoke its authority to do business in this State.

§ 6. All acts or parts of acts inconsistent herewith are hereby repealed.



1. Introduced by Mr. Brink, January 21, 1879, and ordered to first reading.
2. First reading January 21, 1879, and referred to Committee on Judicial Department.
3. Reported back with Amendments, passage recommended, and ordered to second reading February 6, 1879.

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Committee Amendments.

Amend the title by striking out all after the word "repeal" in 4th line of the written bill and insert "an act entitled an act to amend Section 168 of an act entitled 'An act to revise the law in relation to criminal jurisprudence,' approved March 27, 1874; approved April 10, 1877; in force July 1, 1877.'"

Also by striking out Section 5 of the written bill and inserting in lieu thereof the following:

"§ 5. That an act entitled an act to amend Section 168 of an act entitled 'an act to revise the law in relation to criminal jurisprudence,' approved March 27, 1874; in force July 1, 1874; approved April 10, 1877; in force July 1, 1874, be and the same is hereby repealed.'"

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**A BILL**

For an act to amend the Criminal Code, to change the punishment of persons convicted of the crime of petty larceny and misdemeanors, and to repeal Section 168 of an act entitled "An act to revise the law in relation to Criminal Jurisprudence," approved March 27, 1874, and in force July 1, 1874.

**SECTION 1. Be it enacted by the people of the State of Illinois, represented in the General**

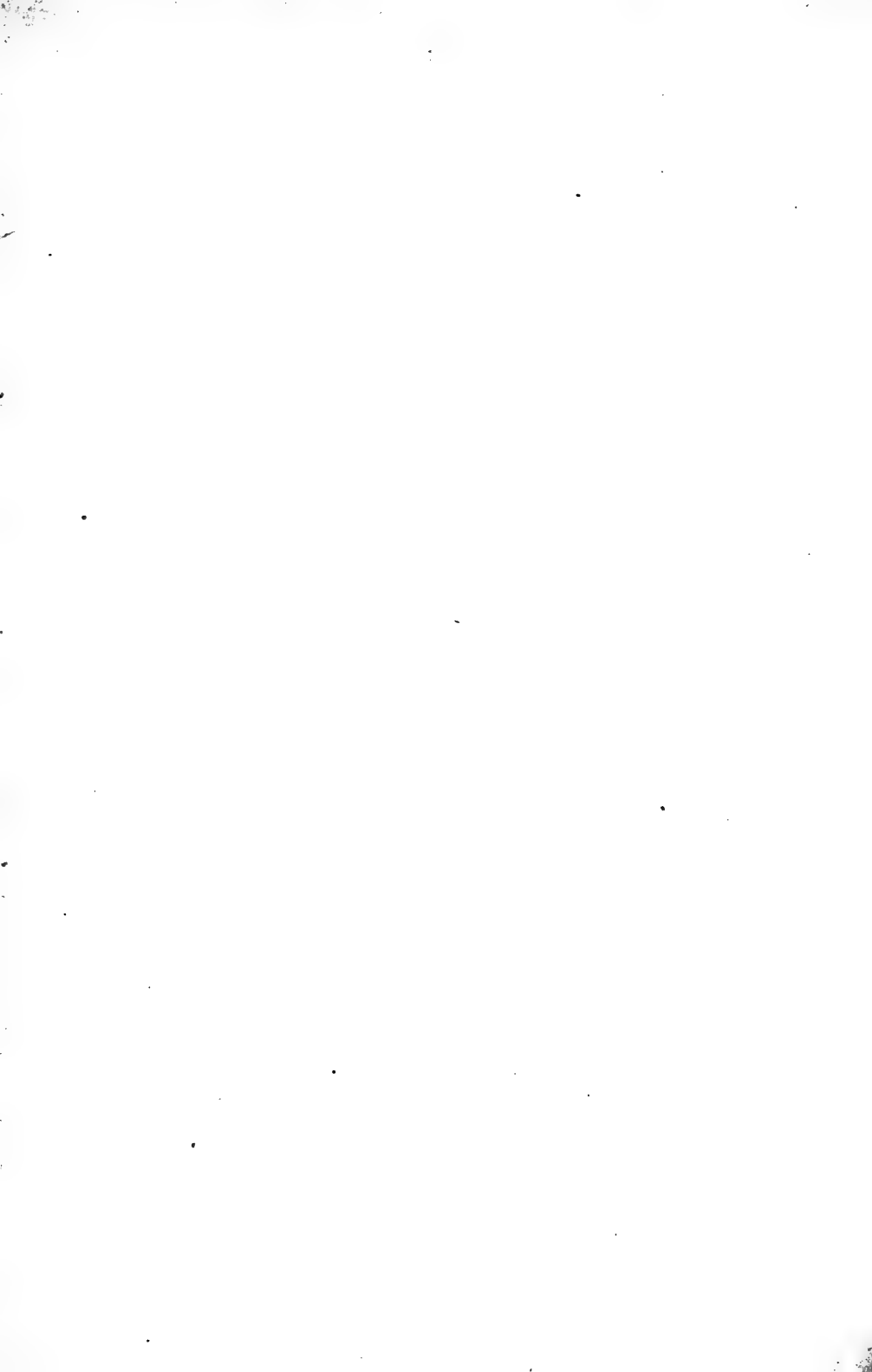
**2 Assembly, Every person convicted of larceny, if the property stolen exceeds the value**  
**3 of \$15, shall be imprisoned in the penitentiary not less than one year nor more than**  
**4 ten years. If the property stolen is of the value of \$15 or less, the person convicted**  
**5 shall be confined in the county jail, or sentenced to labor in the work-house of the**  
**6 county, city, or town where the conviction is had, or on the streets and alleys of the**  
**7 city, or on the public roads in the county, not exceeding one year, and fined not exceed-**  
**8 ing one hundred dollars.**

**§ 2. That hereafter any person convicted in any Court of Record of any misd-**  
**2 meonor under the criminal code of this State, the punishment of which, in whole or in**  
**3 part now is, or hereafter may be, imprisoned in the county jail, the Court in**  
**4 which such conviction is had, may in its discretion, instead of committing to**  
**5 jail, sentence such person to labor in the work-house of any city, town or county**  
**6 where the conviction is had, or on the streets and alleys of any city, town or on**  
**7 the public roads of the county, under any Street Commissioner, City Marshal, or**  
**8 person having charge of the work-house, streets, or public roads of such city, town**  
**9 or county.**

**§ 3. That any person convicted of petty larceny, or any misdemeanor punishable**  
**2 under the laws of this State, in whole or in part, by fine may be required by the order**  
**3 of the Courts of Record, in which the conviction is had, to work out such fine and all**  
**4 costs, in the work-house of the city, town or county, or in the streets and alleys of any**  
**5 city or town, or on the public roads in the county, under the proper person in charge**  
**6 of such work-house, streets, alleys or public roads, at the rate of \$1 50 per day for such**  
**7 days work.**

**§ 4. That any keeper of a work-house, Street Commissioner, City Marshal or Su-**  
**2 pervisor of Roads, or person in whose keeping such convicted person shall be placed,**  
**3 may provide for the safe keeping of such person, during the time such person may be**  
**4 in his charge, by providing balls and chains, and attaching them to such person at any**  
**5 time, and may, if deemed necessary to prevent the escape of such prisoner, confine him**  
**6 in the county jail during the night, and at any other time such prisoner cannot be kept**  
**7 at work.**

§ 5. That Section 168 of an act entitled "An act to revise the law in relation to  
2 criminal jurisprudence," approved March 27, 1874, and in force July 1, 1874, be and  
3 the same is hereby repealed.



1. Introduced by Mr. Brink, January 21, 1879, and ordered to first reading.
2. First reading January 21, 1879, and referred to Committee on Judicial Department.
3. Reported back with amendments, passage recommended, and ordered to second reading February 6, 1879.
4. February 21, second reading, amendments adopted and ordered to third reading.

---

### A BILL

For an Act to amend the Criminal Code, to change the punishment of persons convicted of the crime of petty larceny and misdemeanors, and to repeal an act entitled "An Act to amend Section 168 of an act entitled an act to revise the law in relation to Criminal Jurisprudence," approved March 27, 1874, and in force July 1, 1877.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* Every person convicted of larceny, if the property stolen exceeds the value of fifteen dollars, shall be imprisoned in the penitentiary not less than one nor more than ten years. If the property stolen is of the value of fifteen dollars, or less, the person convicted shall be confined in the county jail, or sentenced to labor in the work-house of the county, city, or town where the conviction is had, or on the streets or alleys of the city, or on the public roads in the county, not exceeding one year, and fined not exceeding one hundred dollars.

§ 2. That hereafter any person convicted in any Court of Record of any misdemeanor under the criminal code of this State, the punishment of which, in whole or in part now is, or hereafter may be, imprisoned in the county jail, the Court in which such conviction is had, may in its discretion, instead of committing to jail, sentence such person to labor in the work-house of any city, town or county where the conviction is had, or on the streets and alleys of any city, town or on the public roads of the county, under any Street Commissioner, City Marshal, or person having charge of the work-house, streets, or public roads of such city, town or county.



§ 3. That any person convicted of petty larceny, or any misdemeanor punishable under the laws of this State, in whole or in part, by fine may be required by the order of the Courts of Record, in which the conviction is had, to work out such fine and all costs, in the work-house of the city, town or county, or in the streets and alleys of any city or town, or on the public roads in the county, under the proper person in charge of such work-house, streets, alleys or public roads, at the rate of one dollar and fifty one hundredth dollars per day for such days work.

§ 4. That any keeper of a work-house, Street Commissioner, City Marshall or Supervisor of Roads, or person in whose keeping such convicted person shall be placed, may provide for the safe keeping of such person, during the time such person may be in his charge, by providing balls and chains, and attaching them to such person at any time, and may, if deemed necessary to prevent the escape of such prisoner, confine him in the county jail during the night, and at any other time such prisoner cannot be kept at work.

§ 5. That an act entitled "An Act to amend Section 168 of an act entitled 'an act to revise the law in relation to criminal jurisprudence,'" approved March 27, 1874, in force July 1, 1874; approved April 10, 1877 in force July 1, 1877, be and the same is hereby repealed.

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(In House.)

1. Reported from House February 26, 1879.
2. First reading March 3, 1879.
3. Reported back, passage recommended, and ordered to second reading March 12, 1879.

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**A BILL**

For an act to amend the Criminal Code, to change the punishment of persons convicted of the crime of petit larceny and misdemeanors, and to repeal an act entitled "An act to amend section 168 of an act entitled 'An act to revise the law in relation to Criminal Jurisprudence,'" approved March 27, 1874; approved April 19, 1877; and in force July 1, 1877.

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SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* Every person convicted of larceny, if the property stolen exceeds the value of fifteen dollars, shall be imprisoned in the penitentiary not less than one nor more than ten years. If the property stolen is of the value of fifteen dollars, or less, the person convicted shall be confined in the county jail, or sentenced to labor in the work-house of the county, city, or town where the conviction is had, or on the streets or alleys of the city, or on the public roads in the county, not exceeding one year, and fined not exceeding one hundred dollars.

§ 2. That hereafter any person convicted in any Court of Record of any misdemeanor under the criminal code of this State, the punishment of which, in whole or in part now is, or hereafter may be, imprisonment in the county jail, the Court in which such conviction is had, may in its discretion, instead of committing to jail, sentence such person to labor in the work-house of any city, town or county where the conviction is had, or on the streets and alleys of any city, town, or on the public roads of the county,

7 under any street commissioner, city marshal, or person having charge of the work-  
 8 house, streets, or public roads of such city, town or county.

§ 3. That any person convicted of petit larceny, or any misdemeanor punishable  
 2 under the laws of this State, in whole or in part, by fine may be required by the order  
 3 of the Courts of Record, in which the conviction is had, to work out such fine and all  
 4 costs, in the work-house of the city, town or county, or in the streets and alleys of any  
 5 city or town, or on the public roads in the county, under the proper person in charge  
 6 of such work-house, streets, alleys or public roads, at the rate of one dollar and fifty  
 7 one hundredth (\$1 50) per day for each days work.

§ 4. That any keeper of a work-house, street commissioner, city marshal or super-  
 2 visor of roads, or person in whose keeping such convicted person shall be placed, may  
 3 provide for the safe keeping of such person, during the time such person may be in his  
 4 charge, by providing balls and chains, and attaching them to such person at any time,  
 5 and may, if deemed necessary to prevent the escape of such prisoner, confine him in the  
 9 county jail during the night, and at any other time such prisoner cannot be kept at  
 7 work.

§ 5. That an act entitled "An act to amend section 168 of an act entitled 'An act to  
 22 revise the law in relation to criminal jurisprudence,'" approved March 27, 1874; in  
 3 force July 1, 1874: approved April 10, 1877; in force July 1, 1877, be and the same is  
 4 hereby repealed.

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(In House.)

1. Reported to House February 26, 1879.
2. First reading March 3, 1879, and referred to Committee on Judiciary.
3. Reported back, passage recommended and ordered to second reading March 12.
4. Second reading, amended and ordered to third reading April 29.

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Amendments to Senate Bill No. 94.

Amend section 1 by inserting in line 7, after the word "county," the following words:

- 2 "Or to such labor under the direction of the sheriff as the county board may provide  
3 for."

- 4 Amend section 2 by adding to said section the following words: "Or to such labor  
5 under the direction of the sheriff as the county board may provide for."

- 6 Amend section 4 by inserting after the words "public roads" the following words:  
7 "Or to such labor under the direction of the sheriff as the county board may provide  
8 for."

The foregoing amendments were adopted by the House of Representatives, April 29,  
1879.

W. B. TAYLOR, Clerk.



1. Introduced by Mr. Dearborn Jan. 21, 1879, and ordered to first reading.
2. First reading January 21, 1879, and referred to Committee on Revenue.
3. Reported back with amendments, passage recommended, and ordered to second reading February 1st, 1879.

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## AMENDMENTS MADE BY THE COMMITTEE ON REVENUE TO SENATE BILL

NO. 95.

- Insert in line 4 after the figures "230" the words "of an act entitled an act for the
- 2 assessment of property and for the levy and collection of taxes," approved March 30,
- 3 1872.
- 4 Also strike out the words "of said act" immediately following said figures "230"
- 5 Also amend the title of said bill so as to read as follows: "A bill for an act to amend
- 6 Section 230 of an act entitled an act for the assessment of property and for the levy
- 7 and collection of taxes, approved March 30, 1872.

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## A BILL

For an "Act to amend" an act for the assessment of property and for the levy and collection of taxes," approved March 30, 1872.

- 
- SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General*
- 2 *Assembly, That Section 230 of said act be amended so as to read as follows:*
- 3 *The county board may at any time institute suit in an action of debt in the name of*
- 4 *the people of the State of Illinois in any court of competent jurisdiction for the amount*
- 5 *due on forfeited property, and in such suit, the record of the real property forfeited to*

6 the State shall be *prima facie* evidence of the legality and regularity of all prior pro-  
7 ceedings, and the introduction of such record in evidence shall constitute a *prima facie*  
8 case for the plaintiff.

1. Introduced by Mr. Dearborn, January 21, 1879, and ordered to first reading.
  2. First reading January 21, 1879, and referred to Committee on Revenue.
  3. Reported back with amendments, passage recommended, and ordered to second reading February 1, 1879.
  4. February 28, second reading, amended and ordered to third reading.
- 

## A BILL

For an act to amend section 230 of an act entitled "An Act for the assessment of property and for the levy and collection of taxes," approved March 30, 1872.

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SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That section 230 of an act entitled "An Act for the assessment of property and for the levy and collection of taxes," approved March 30, 1872, be amended so as to read as follows: The county board may at any time institute suit in an action of debt, in the name of the People of the State of Illinois, in any court of competent jurisdiction, for the amount due on forfeited property; and in such suit the record of the real property forfeited to the State shall be *prima facie* evidence of the legality and regularity of all prior proceedings, and the introduction of such record in evidence shall constitute a *prima facie* case for the plaintiff.





1. Introduced by Mr. Fuller, January 21, 1879, and ordered to a first reading.
2. First reading January 21, 1879, and referred to the Committee on Judiciary.
3. Reported back with amendments, passage recommended, and ordered to second reading January 29, 1879.

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## AMENDMENTS REPORTED FROM JUDICIARY COMMITTEE TO SENATE

### BILL No. 98.

- Insert in line 9 of section 9, after the word "factory," "or to any person or persons,
- 2 corporation, company, or association engaged in the manufacture of butter and cheese."
- 3 Insert in line 12 of section 9, after the word "factory," "or to any person or per-
- 4 sons, corporation, company, or association, engaged in the manufacture of butter or
- 5 cheese."

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## A BILL

For an Act to amend section nine (9), of an act entitled, "An Act to revise the law in relation to Criminal Jurisprudence," approved March 27, 1874.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General*

2 *Assembly*, That section nine (9) of an Act entitled, "An Act to revise the law in rela-

3 tion to Criminal Jurisprudence," approved March 27, 1874, be so amended as to read

4 as follows :

"SECTION 9. Whoever adulterates, for the purpose of sale, any milk, with water,

2 chalk or other substance, or knowingly sells any such adulterated milk; or whoever

3 adulterates any milk, with water, chalk or other substance, for the purpose of deliver-

4 ing to any cheese or butter factory, or whoever knowingly delivers any milk so adul-

5 terated, to any cheese or butter factory in this State, shall be confined in the county

6 jail not exceeding one year, or fined not exceeding five hundred dollars, or both, in the

7 discretion of the court."



1. Introduced by Mr. Fuller January 21, 1879, and ordered to first reading.
2. First reading January 21, 1879, and referred to the Committee on Judiciary.
3. Reported back with amendments, passage recommended, and ordered to second reading January 29, 1879.
4. February 11, second reading, amendments adopted and ordered to third reading.

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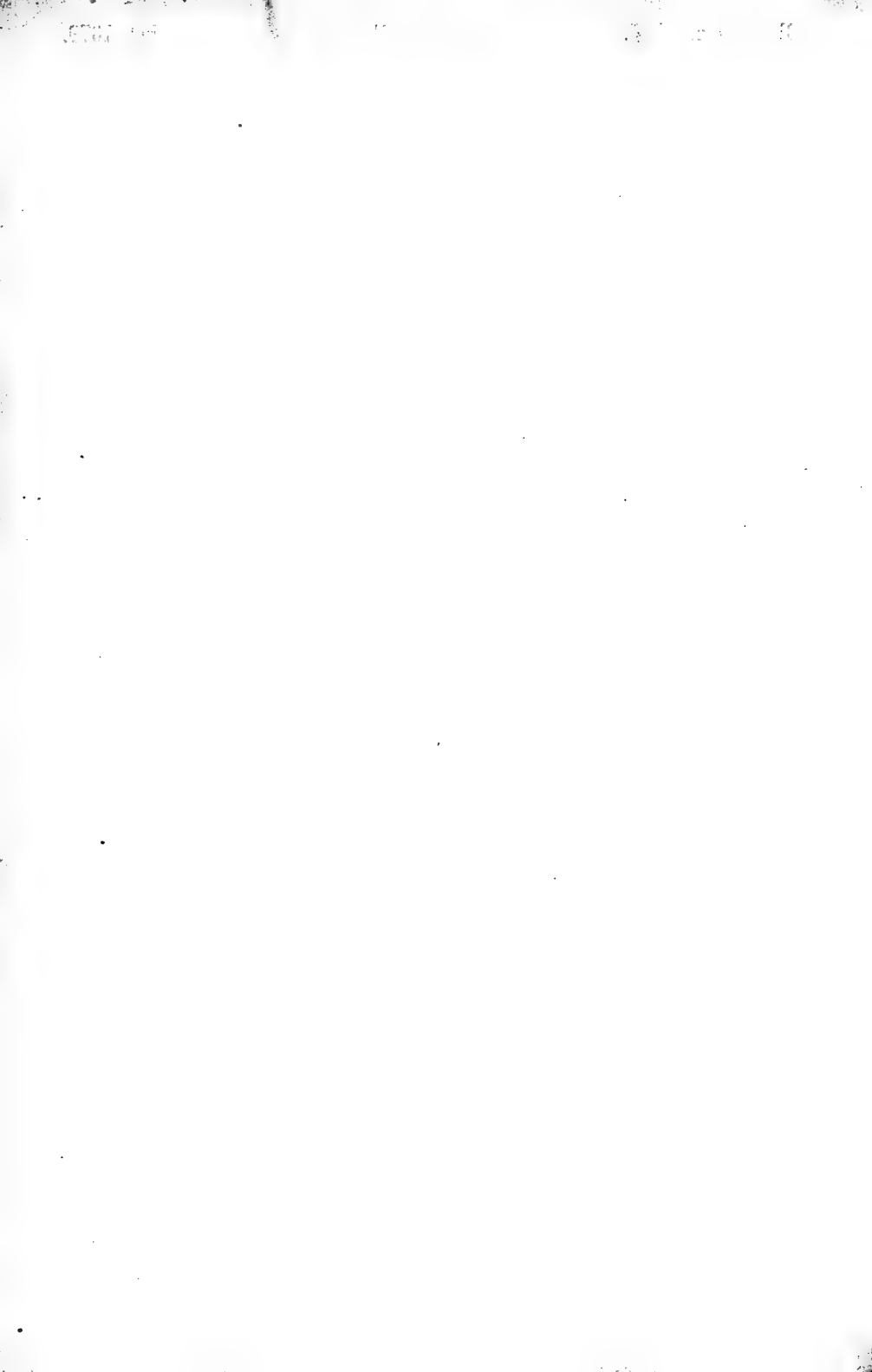
## A BILL

For an act to amend Section nine (9), of an act entitled "An act to revise the law in relation to Criminal Jurisprudence," approved March 27, 1874; in force July 1, 1874.

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SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That Section nine (9) of an act entitled "An act to revise the law in relation to Criminal Jurisprudence," approved March 27, 1874; in force July 1, 1874, be so amended as to read as follows:

"§ 9. Whoever adulterates, for the purpose of sale, any milk, with water, chalk or other substance, or knowingly sells any such adulterated milk; or whoever adulterates any milk, with water, chalk or other substance, for the purpose of delivering to any cheese or butter factory, or to any person or persons, corporation, company or association, engaged in the manufacture of butter or cheese, or whoever knowingly delivers any milk so adulterated, to any cheese or butter factory, or to any person or persons, corporation, company or association engaged in the manufacture of butter or cheese in this State, shall be confined in the county jail not exceeding one year, or fined not exceeding five hundred dollars, or both, in the discretion of the court."



1. Introduced by Mr. Hunt January 21, 1879, and ordered to first reading.
2. First reading January 21, 1879, and referred to Committee on Municipalities.
3. Reported back, passage recommended, and ordered to second reading February 13, 1879.

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## A BILL

For an Act to amend section thirteen of article eleven of an act entitled, "An act to provide for the incorporation of Cities and Villages," approved April 10, 1872.

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SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That section thirteen of article eleven of an act entitled, "An act to provide for the incorporation of Cities and Villages," approved April 10, 1872, be and the same is hereby amended so that hereafter it shall read as follows :

SECTION 13. An annual election for Trustees and a Clerk of Villages, shall be held on the third Tuesday of April, in each year: *Provided,* that in Villages which include wholly within their corporate limits a town or towns, such elections shall be held on the first Tuesday of April. Special elections may be held under such regulations as may be provided by ordinance to fill vacancies and for other purposes.

§ 2. WHEREAS, an emergency exists by means of the happening of town elections in April, 1879, this act shall take effect and be in force from and after its passage.



1. Introduced by Mr. Hunt, January 21, 1879, and ordered to first reading.
2. First reading January 21, 1879, and referred to Committee on Counties and Township organization.
3. Reported back, passage recommended, and ordered to second reading February 5, 1879.

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## A BILL

For an Act to amend an act entitled "An Act to amend Section seven of article seven of an act entitled 'an act to revise the law in relation to Township Organization,' " approved and in force March 9, 1877.

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SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That section seven of article seven of an act entitled "An Act to revise the law in relation to township organization," approved and in force March 4, 1874, as amended, approved and in force March 9, 1877, be and the same is hereby amended so as to read as follows, to-wit:*

SECTION 7. The town shall supply a suitable ballot box or boxes, to be kept and used in like manner as ballot boxes in other elections. In incorporated towns or in incorporated villages whose limits are co-extensive with the limits of a town; or in any organized town where the number of voters at the last preceeding general election exceeded three hundred the County Board may require one or more additional ballot boxes and places for the reception of votes to be provided, which place shall be selected with reference to the convenience of the electors of the town and shall designate at which of said polling place the town clerk shall act as clerk of the election; and such polling place when so designated shall be the place for transacting the miscellaneous business of the town, and when several places are so provided the electors present shall choose from their number one Assistant Moderator one Assistant Clerk for each additional ballot box to receive the votes therein who shall take the same oath and be subject to the same penalties as the Moderator and Clerk and shall be under direction of the Moderator. At the closing of the pole all



15 the said ballot boxes shall be brought together at the polling place where the Town  
 16 Clerk acts as clerk of the election and the votes shall be canvassed at the same time  
 17 and in the same manner and return thereof made, the same as if all the votes had been  
 18 cast in the same ballot box. Where there shall be more than one polling place design-  
 19 nated in such towns the general meeting for the transaction of business shall be held  
 20 at the time hereafter mentioned at the polling place where the town Clerk acts as  
 21 Clerk of the town election; or if there be no town Clerk then at such place as shall be  
 22 designated by the County Clerk. And it shall be the duty of the town clerk, or if  
 23 there be no town clerk, it shall be the duty of the County Clerk to post up in the  
 24 most public place in each precinct in the town such a notice of each of the places in  
 25 the town where the County Board have directed and required the election to be held  
 26 and in no case shall the number of notices so required to be posted in any town be less  
 27 than three; *Provided*, however, That in towns which lie wholly within the limits of  
 28 an incorporated city or village, the common council of each city and the president and  
 29 board of trustees of such village shall divide each of such towns into election precincts  
 30 and designate the voting place in each precinct; and any elector in such towns shall  
 31 be entitled to vote for town officers only in the precinct in which he may reside. The  
 32 common council of such city and the president and board of trustees of such village  
 33 shall also appoint three judges of election for each of such precincts who may be the  
 34 same persons as are appointed as judges of an election for city and village officers held  
 35 on the same day. Such judges of election may choose two clerks of election for each  
 36 precinct and such judges and clerks shall take the oath of office as prescribed  
 37 by the general election law of this State. The ballots cast at such election for town  
 38 officers shall be deposited in a separate ballot box and shall be counted and canvassed  
 39 by the judges of election separately from any other ballots that may be cast at any  
 40 other election that may be held on the same day. Said judges of election shall cause  
 41 to be kept a separate poll list which shall contain the names of all persons voting at  
 42 such election for town officers together with their residence. And immediately upon  
 43 closing the polls they shall canvass the votes polled in the manner provided by the  
 44 general election law of the state and make a written statement or certificate of the  
 45 number of votes cast at such election for each person voted for and the office for which  
 46 such person received such votes and shall within forty-eight hours thereafter cause such

47 certificate and the poll list together with the ballots cast at such elections to be sepa-  
48 rately sealed up and transmitted to the Clerk of the town. The supervisor together  
49 with the assessor and collector shall within five days thereafter meet and canvass said  
50 returns and declare the result of said election. The town meetings to be held in such  
51 towns for the transaction of town business as now provided by law shall be held at two  
52 o'clock in the afternoon of said day at such voting place in said town as the common  
53 council of such city or the president and board of trustees of each village may design-  
54 ate at which meeting a Moderator shall be chosen to preside by the electors present  
55 and the town Clerk shall act as clerk of said meeting and keep a record of the pro-  
56 ceedings thereof.

§ 2. Whereas an emergency exists by reason of the happening of town elections in  
2 April 1879 this act shall take effect and be in force from and after its passage.



1. Introduced by Mr. Hunt, January 21, 1879, and ordered to first reading.
2. First reading January 21, 1879, and referred to Committee on Counties and Township organization.
3. Reported back, passage recommended, and ordered to second reading February 5, 1879.
4. February 12, second reading, amended and ordered to third reading.

### A BILL

For an Act to amend an act entitled "An Act to amend Section seven of article seven of an act entitled 'an act to revise the law in relation to Township Organization,'" approved and in force March 9, 1877.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That Section seven of article seven of an act entitled "An Act to revise the law in relation to township organization," approved and in force March 4, 1877, as amended, approved and in force March 9, 1877, be and the same is hereby amended as as to read as follows, to-wit:

§ 7. The town shall supply a suitable ballot box or boxes, to be kept and used in like manner as ballot boxes in other elections. Incorporated towns or incorporated villages whose limits are co-extensive with the limits of a town; or in any organized town where the number of voters at the last preceeding general election exceeded three hundred the County Board may require one or more additional ballot boxes and places for the reception of votes to be provided, which places shall be selected with reference to convenience of the electors of the town and shall designate at which of said polling place the town clerk shall act as clerk of the election; and such polling place when designated shall be the place for transacting the miscellaneous business of the town, and when several places are so provided the electors present shall choose from their number one Assistant Moderator, one Assistant Clerk for each additional ballot box to

13 receive the votes therein who shall take the same oath and be subject to the same pen-  
 14 alties as the Moderator and Clerk and shall be under the direction of the Moderator.  
 15 At the closing of the pole all the said ballot boxes shall be brought together at the  
 16 polling place where the Town Clerk acts as clerk of the election and the votes shall  
 17 be canvassed at the same time and in the same manner and return thereof made, the  
 18 same as if all the votes had been cast in the same ballot box. Where there shall be  
 19 more than one polling place designated in such towns the general meeting for the trans-  
 20 action of business shall be held at the time hereafter mentioned at the polling place  
 21 where the town Clerk acts as Clerk of the town election; or if there be no town Clerk  
 22 then at such place as shall be designated by the County Clerk. And it shall be the  
 23 duty of the town clerk, or if there be no town clerk, it shall be the duty of the County  
 24 Clerk to post up in the most public places in each precinct in the town such a notice of  
 25 each of the places in the town where the County Board have directed and required  
 26 the election to be held and in no case shall the number of notices so required to be  
 27 posted in any town be less than three: *Provided, however,* That in towns which lie  
 28 wholly within the limits of an incorporated city or village, the common council of each  
 29 city and the president and board of trustees of such village shall divide each of such  
 30 towns into election precincts and designate the voting places in each precinct; and any  
 31 elector in such towns shall be entitled to vote for town officers only in the precinct in  
 32 which he may reside. The common council of such city and the president and board  
 33 of trustees of such village shall also appoint three judges of election for each of such  
 34 precincts who may be the same persons as are appointed as judges of an election for  
 35 city and village officers held on the same day. Such judges of election may choose  
 36 two clerks of election for each precinct and such judges and clerks shall take the oath  
 37 of office now prescribed by the general election law of this State. The ballots cast at  
 38 such election for town officers shall be deposited in a separate ballot box and shall be  
 39 counted and canvassed by the judges of election separately from any other ballots that  
 40 may be cast at any other election that may be held on the same day. Said judges of  
 41 election shall cause to be kept a separate poll list which shall contain the names of all  
 42 persons voting at such election for town officers together with their residence. And  
 43 immediately upon closing the polls they shall canvass the votes polled in the manner  
 44 provided by the general election law of the state and make a written statement or cer-

45 tificate of the number of votes cast at such election for each person voted for and the  
46 office for which such person received such votes and shall within forty-eight hours  
47 thereafter cause such certificate and the poll list together with the ballots cast at such  
48 elections to be separately sealed up and transmitted to the Clerk of the town. The  
49 supervisor together with the assessor and collector shall within five days thereafter  
50 meet and canvass said returns and declare the result of said election. The town meet-  
51 ings to be held in such towns for the transaction of town business as now provided by  
52 law shall be held at two o'clock in the afternoon of said day at such voting place in  
53 said town as the common council of such city or the president and board of trustees of  
54 such village may designate at which meeting a Moderator shall be chosen to preside by  
55 the electors present and the town Clerk shall act as clerk of said meeting and keep a  
56 record of the proceedings thereof.

§ 2. WHEREAS, an emergency exists by reason of the happening of town elections  
2 in April 1879 this act shall take effect and be in force from and after its passage.



1. Introduced by Mr. Hunt January 21, 1879, and ordered to first reading.
2. First reading January 21, 1879, and referred to Committee on Counties and Township Organization.
3. Reported back, passage recommended, and ordered to Second reading February 5, 1879.
4. February 12, second reading, amended and ordered to third reading.
5. February 22, amended and ordered to third reading.

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## A BILL

For an act to amend an act entitled "An act to amend section seven of article seven of an act entitled 'An act to revise the law in relation to Township Organization,'" approved and in force March 9, 1877.

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SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General*

2 *Assembly,* That section seven of article seven of an act entitled "An act to revise the  
3 law in relation to Township Organization," approved and in force March 4, 1874, as  
4 amended, approved and in force March 9, 1877, be and the same is hereby amended so  
5 as to read as follows, to-wit:

§ 7. The town shall supply a suitable ballot box or boxes, to be kept and used in  
2 like manner as ballot boxes in other elections. In incorporated towns or incorporated  
3 villages whose limits are co-extensive with the limits of a town; or in any organized  
4 town where the number of voters at the last preceding general election exceeded three  
5 hundred, the county board may require one or more additional ballot boxes and places  
6 for the reception of votes to be provided, which places shall be selected with reference  
7 to convenience of the electors of the town, and shall designate at which of said polling  
8 places the town clerk shall act as clerk of the election; and such polling place, when so  
9 designated, shall be the place for transacting the miscellaneous business of the town,  
10 and when several places are so provided, the electors present shall choose from their



11 number one assistant moderator and one assistant clerk for each additional ballot box to  
12 receive the votes therein, who shall take the same oath and be subject to the same pen-  
13 alties as the moderator and clerk, and shall be under the direction of the moderator.  
14 At the closing of the polls, all the said ballot boxes shall be brought together at the  
15 polling place where the town clerk acts as clerk of the election, and the votes shall  
16 be canvassed at the same time and in the same manner and return thereof made, the  
17 same as if all the votes had been cast in the same ballot box. When there shall be  
18 more than one polling place designated in such towns, the general meeting for the  
19 transaction of business shall be held at the time hereafter mentioned at the polling place  
20 where the town clerk acts as clerk of the town election; or if there be no town clerk,  
21 then at such place as shall be designated by the county clerk. And it shall be the duty  
22 of the town clerk, or if there be no town clerk, it shall be the duty of the county clerk,  
23 to post up in the most public places in each precinct in the town, such a notice of each of  
24 the places in the town where the county board have directed and required the election  
25 to be held, and in no case shall the number of notices so required to be posted in any  
26 town, be less than three: *Provided, however,* that in towns which lie wholly within the  
27 limits of an incorporated city or village, the common council of such city, and the  
28 president and board of trustees of such village shall divide each of such towns into elec-  
29 tion precincts, and designate the voting places in each precinct; and any elector in such  
30 towns shall be entitled to vote for town officers only in the precinct in which he may  
31 reside: *And provided further,* that in cases where the town and city elections occur on  
32 the same day, the common council may include the notice of each of the places of hold-  
33 ing the town election in their published notice of the city election, and the town clerk  
34 shall give such notice as he is now required to give by section two of article six of this  
35 act. The common council of such city, and the president and board of trustees of such  
36 village shall also appoint three judges of election for each of such precincts, who may  
37 be the same persons as are appointed as judges of an election for city and village offi-  
38 cers held on the same day. Such judges of election may choose two clerks of election  
39 for each precinct, and such judges and clerks shall take the oath of office now prescribed  
40 by the general election law of this State. The ballots cast at such election for town  
41 officers shall be deposited in a separate ballot box and shall be counted and canvassed  
42 by the judges of election, separately from any other ballots that may be cast at any

43 other election that may be held on the same day. Said judges of election shall cause  
44 to be kept a separate poll list which shall contain the names of all persons voting at  
45 such election for town officers, together with their residence. And immediately upon  
46 closing the polls, they shall canvass the votes polled in the manner provided by the  
47 general election law of the State, and make a written statement or certificate of the  
48 number of votes cast at such election for each person voted for, and the office for which  
49 such person received such votes, and shall, within forty-eight hours thereafter, cause  
50 such certificate and the poll list, together with the ballots cast at such elections, to be  
51 separately sealed up and transmitted to the clerk of the town. The supervisor, to-  
52 gether with the assessor and collector, shall, within five days thereafter, meet and can-  
53 vass said returns, and declare the result of said election. The town meetings to be  
54 held in such towns for the transaction of town business, as now provided by law, shall  
55 be held at two o'clock in the afternoon of said day at such voting place in said town as  
56 the common council of such city, or the president and board of trustees of such village  
57 may designate, at which meeting a moderator shall be chosen to preside by the electors  
58 present, and the town clerk shall act as clerk of said meeting, and keep a record of the  
59 proceedings thereof.

§ 2. WHEREAS, An emergency exists by reason of the happening of town elections  
2 in April, 1879, this act shall take effect and be in force from and after its passage.



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(In House.)

1. Reported from Senate March 6, 1879.
2. First reading March 7, 1879, and referred to Committee on County and Township Organization.
3. Reported back with amendments, passage recommended and ordered to second reading March 8, 1879.

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Amendment to Senate Bill No. 100, offered by Committee on County and Township Organization March 8, 1879.

Amend by striking out the word "such" in line 52 of section 7 of written bill.

The foregoing amendment was adopted by the House March 8, 1879.

W. B. TAYLOR, Clerk.

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### **A BILL**

For an act to amend an act entitled "An Act to amend section seven of article seven of an act entitled 'An Act to revise the law in relation to Township Organization,' approved and in force March 9, 1877.

---

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That section seven of article seven of an act entitled "An Act to revise the law in relation to Township Organization," approved and in force March 4, 1874, as amended, approved and in force March 9, 1877, be and the same is hereby amended so as to read as follows, to-wit:

§ 7. The town shall supply a suitable ballot box or boxes, to be kept and used in like manner as ballot boxes in other elections. In incorporated towns or incorporated villages whose limits are co-extensive with the limits of a town; or in any organized

4 town where the number of voters at the last preceding general election exceeded three  
 5 hundred, the county board may require one or more additional ballot boxes and places  
 6 for the reception of votes to be provided, which places shall be selected with reference  
 7 to convenience of the electors of the town, and shall designate at which of said polling  
 8 places the town clerk shall act as clerk of the election; and such polling place, when so  
 9 designated, shall be the place for transacting the miscellaneous business of the town,  
 10 and when several places are so provided, the electors present shall choose from their  
 11 number one assistant moderator and one assistant clerk for each additional ballot box to  
 12 receive the votes therein, who shall take the same oath and be subject to the same pen-  
 13 alties as the moderator and clerk, and shall be under the direction of the moderator.  
 14 At the closing of the polls, all the said ballot boxes shall be brought together at the  
 15 polling place where the town clerk acts as clerk of the election, and the votes shall  
 16 be canvassed at the same time and in the same manner and return thereof made, the  
 17 same as if all the votes had been cast in the same ballot box. When there shall be  
 18 more than one polling place designated in such towns, the general meeting for the  
 19 transaction of business shall be held at the time hereafter mentioned at the polling  
 20 place where the town clerk acts as clerk of the town election; or if there be no town  
 21 clerk, then at such place as shall be designated by the county clerk. And it shall be the  
 22 duty of the town clerk, or if there be no town clerk, it shall be the duty of the county clerk  
 23 to post up in the most public places in each precinct in the town such a notice of each  
 24 the places in the town where the county board have directed and required the election  
 25 to be held, and in no case shall the number of notices so required to be posted in any  
 26 town, be less than three: *Provided, however,* that in towns which lie wholly within the  
 27 limits of an incorporated city or village, the common council of such city, and the  
 28 president and board of trustees of such village shall divide each of such towns into elec-  
 29 tion precincts, and designate the voting places in each precinct; and any elector in such  
 30 towns shall be entitled to vote for town officers only in the precinct in which he may  
 31 reside: *And, provided further,* that in cases where the town and city elections occur on  
 32 the same day, the common council may include the notice of each of the places of hold-  
 33 ing the town election in their published notice of the city election, and the town clerk  
 34 shall give such notice as he is now required to give by section two of article six of this  
 35 act. The common council of such city, and the president and board of trustees of such

36 village shall also appoint three judges of election for each of such precincts, who may be  
37 the same persons as are appointed as judges of an election for city and village offi-  
38 cers held on the same day. Such judges of elections may choose two clerks of election  
39 for each precinct, and such judges and clerks shall take the oath of office now prescribed  
40 by the general election law of this State. The ballots cast at such election for town  
41 officers shall be deposited in a separate ballot box and shall be counted and canvassed  
42 by the judges of election, separately from any other ballots that may be cast at any  
43 other election that may be held on the same day. Said judges of election shall cause  
44 to be kept a separate poll list, which shall contain the names of all persons voting at  
45 such election for town officers, together with their residence; and immediately upon  
46 closing the polls, they shall canvass the votes polled in the manner provided by the  
47 general election law of the State, and make a written statement or certificate of the  
48 number of votes cast at such election for each person voted for, and the office for which  
49 such person received such votes, and shall, within forty-eight hours thereafter, cause  
50 such certificate and the poll list, together with the ballots cast at such elections, to be  
51 separately sealed up and transmitted to the clerk of the town. The supervisor, to-  
52 gether with the assessor and collector, shall, within five days thereafter, meet and can-  
53 vass said returns, and declare the result of said election. The town meetings to be  
54 held in such towns for the transaction of town business, as now provided by law, shall  
55 be held at two o'clock in the afternoon of said day at such voting place in said town as  
56 the common council of such city, or the president and board of trustees of such village,  
57 may designate, at which meeting a moderator shall be chosen to preside by the electors  
58 present, and the town clerk shall act as clerk of said meeting, and keep a record of the  
59 proceedings thereof.

§ 2. WHEREAS, An emergency exists by reason of the happening of town elections  
2 in April, 1879; this act shall take effect and be in force from and after its passage.



1. Introduced by Mr. Munn January 21, 1879, and ordered to first reading.
2. First reading January 21, 1879, and referred to Committee on Penal and Reformatory Institutions.
3. Reported back, passage recommended, and ordered to second reading, March 21, 1879.

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### A BILL

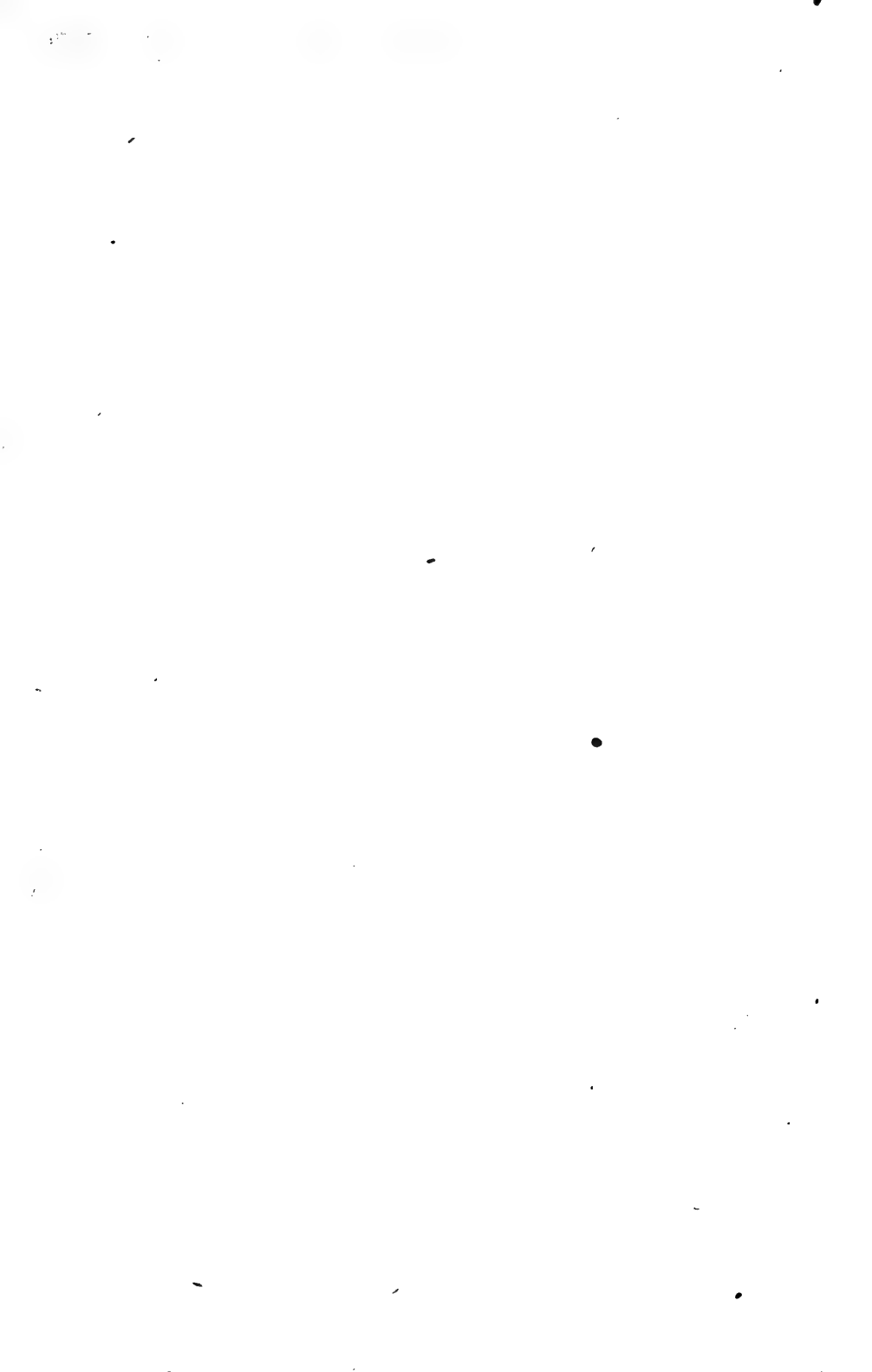
For an act for the relief of George Ferguson.

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WHEREAS, One George Ferguson, late a convict in the Illinois State Penitentiary, while serving a term of one year, was assaulted by a fellow convict and his skull broken in three places, before the officers employed by the State could interfere to protect him, and, whereas, said injury was inflicted upon him without fault on his own part, and has entirely incapacitated him from earning his own subsistence; and, whereas, while serving his said term, said Ferguson was entitled to the fullest protection of life and limb by the authorities of the State.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the sum of \$            be and the same hereby is appropriated from any moneys not otherwise appropriated, for the relief of said Ferguson. The Auditor of Public Accounts is hereby authorized and directed to draw his warrant on the State Treasurer, for the sum herein specified, to be paid by said Treasurer out of any moneys in the State Treasury, not otherwise appropriated.





1. Introduced by Mr. DeLany, January 28, 1879, and ordered to first reading.
2. First reading January 28, 1879, and referred to Committee on Public Buildings and Grounds.
3. Reported back, passage recommended, and ordered to second reading, January 30, 1879.

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## A BILL

For an Act to amend section seventeen of an act entitled, "An Act in regard to the completion of Public Parks, and the management thereof," approved June 16, 1871.

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SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That section seventeen of an act entitled "An Act in regard to the completion of public parks and the management thereof," approved June 16, 1871, be and the same is hereby amended so as to read as follows:

SECTION 17. In all cases where the commissioners of any such park have been named in the act establishing the same, whose successors have since been appointed by the Governor of this State, the voters of the township or townships, within the limits of which such park is located shall, at the first township election occurring after the expiration of the terms of office of the Commissioners now in office, elect in the same manner as other town officers are elected, the same number of Commissioners as are provided for in the act establishing such park, and the Commissioners now in office under any such act of the General Assembly or appointment by the Governor, shall hold until their successors are elected and qualified, and shall then transfer all money, books, papers, property and effects, held by them by virtue of such office, to the persons so elected, as soon as they shall be qualified; and in cases where any such park is located in two townships, and the Board of Commissioners consists of an odd number of persons, the township having the largest population, shall be entitled to elect a majority, of not exceeding one member of such board, and the other township shall elect the other members thereof. The Commissioners so elected, shall hold their offices for the

16 term of three years, and until their successors are duly elected and qualified, and they  
17 shall possess the same qualifications as are by law required of other town officers. All  
18 vacancies shall be filled by election at the first township election after a vacancy occurs.

1. Introduced by Mr. DeLany, January 23, 1879, and ordered to first reading.
2. First reading January 23, 1879, and referred to Committee on Public Buildings and Grounds.
3. Reported back, passage recommended, and ordered to second reading, January 30, 1879.
4. February 7, second reading, amended and ordered to third reading.

---

## A BILL

For an Act to amend section seventeen of an act entitled, "An Act in regard to the completion of Public Parks, and the management thereof," approved June 16, 1871.

---

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That section seventeen of an act entitled "An Act in regard to the completion of public parks and the management thereof," approved June 16, 1871, be and the same is hereby amended so as to read as follows :

"SECTION 17. In all cases where the Commissioners of any such park have been named in the act establishing the same, whose successors have since been appointed by the Governor of this State, the voters of the township or townships, within the limits of which such park is located shall, at the first township election occurring after the expiration of the terms of office of the Commissioners now in office, elect in the same manner as other town officers are elected, the same number of Commissioners as are provided for in the act establishing such park, and the Commissioners now in office under any such act of the General Assembly or appointment by the Governor, shall hold until their successors are elected and qualified, and shall then transfer all money, books, papers, property and effects, held by them by virtue of such office, to the persons so elected, as soon as they shall be qualified; and in cases where any such park is located in two townships, and the Board of Commissioners consist of an odd number of persons, the township having the largest population, shall be entitled to elect a majority, of not exceeding one member of such Board, and the other township shall

15 elect the other members thereof. The Commissioners so elected, shall hold their offices  
 16 for the term of three years, and until their successors are duly elected and qualified;  
 17 and they shall possess the same qualifications as are by law required of other town  
 18 officers, and shall be the owners of real property in the township for which they are  
 19 elected, of an assessed valuation of five thousand dollars." All vacancies shall be  
 20 filled by election at the first township election after a vacancy occurs.

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(In House.)

1. Reported to House February 26, 1879.
2. First reading March 3, 1879, and temporarily postponed.
3. Referred to Committee on Corporations March 4, 1879.
4. Reported back with amendments, passage recommended and ordered to second reading March 19, 1879.

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Amendments to Senate Bill No. 114, offered by Committee on Corporations.

Amend by striking out, after the word "officers," on page 2, line 15, the words,

2 "and shall be the owners of real property in the township for which they are elected,  
3 of an assessed valuation of five thousand dollars."

4 Amend, further, by inserting, after the word "State," on page 1, line 17, the words,  
5 "or are now appointed by the Governor, and in all cases where the commissioners of  
6 any such park were originally appointed by the Governor of the State, and whose suc-  
7 cessors have since been appointed by any judge or the judges of any court of record."

---

## A BILL

For an act to amend section seventeen of an act entitled "An Act in regard to the completion of Public Parks, and the management thereof," approved June 16, 1871.

---

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General*  
2 *Assembly, That section seventeen of an act entitled "An Act in regard to the comple-*  
3 *tion of public parks, and the management thereof," approved June 16, 1871, be and*  
4 *the same is hereby amended so as to read as follows:*

"SECTION 17. In all cases where the commissioners of any such park have been  
2 named in the act establishing the same, whose successors have since been appointed by  
3 the Governor of this State, the voters of the township or townships within the limits  
4 of which such park is located, shall, at the first township election occurring after the  
5 expiration of the terms of office of the commissioners now in office, elect, in the same  
6 manner as other town officers are elected, the same number of commissioners as are  
7 provided for in the act establishing such park; and the commissioners now in office  
8 under any such act of the General Assembly, or appointment by the Governor, shall  
9 hold until their successors are elected and qualified, and shall then transfer all money,  
10 books, papers, property and effects, held by them by virtue of such office, to the per-  
11 sons so elected, as soon as they shall be qualified; and in cases where any such park is  
12 located in two townships, and the board of commissioners consist of an odd number  
13 of persons, the township having the largest population shall be entitled to elect a  
14 majority, of not exceeding one member, of such board, and the other township shall  
15 elect the other members thereof. The commissioners so elected shall hold their offices  
16 for the term of three years, and until their successors are duly elected and qualified;  
17 and they shall possess the same qualifications as are by law required of other town  
18 officers, and shall be the owners of real property in the township for which they are  
19 elected, of an assessed valuation of five thousand dollars." All vacancies shall be filled  
20 by election, at the first township election after a vacancy occurs.

- 1 Introduced by Mr. Archer January 28, 1879, and ordered to first reading.
- 2 First reading January 28, 1879, and referred to Committee on Judiciary.
- 3 Reported back with recommendation do not pass, and ordered to lie on table
- 4 March 8, 1879, taken from table and referred to Committee on Judiciary.
- 5 March 15, reported back, passage recommended, and ordered to second reading.

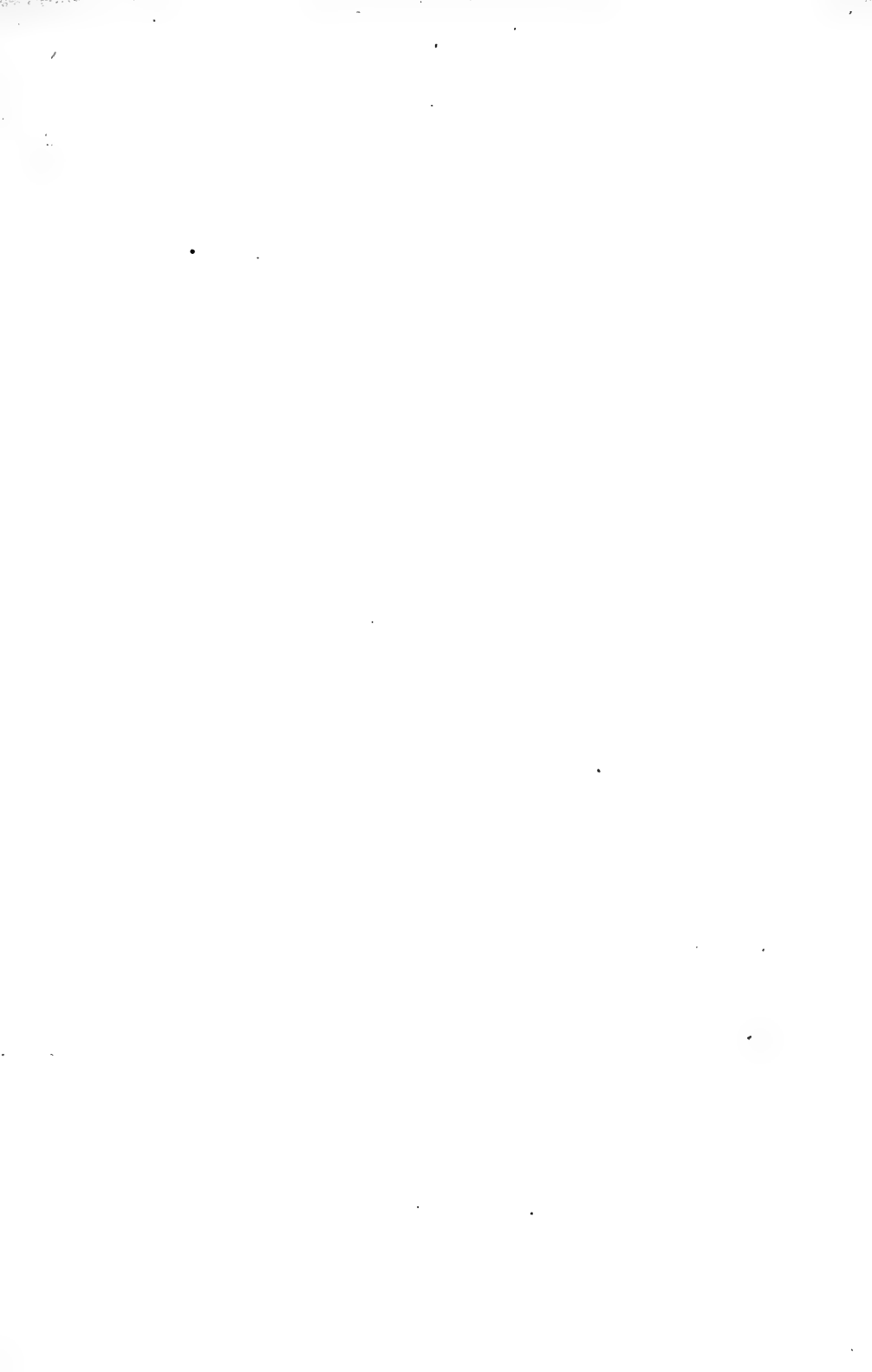
## A BILL

For an Act to amend section eight (8) of an Act entitled "An Act in regard to Evidence and Depositions in Civil Cases," approved March 29, 1872; in force July 1, 1872.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly,* That section eight (8) of an act entitled "An Act in regard to Evidence and Depositions in Civil Cases," approved March 29, 1872; in force July 1, 1872, be and the same is hereby amended so as to read as follows:

SECTION 8. Nothing in this act contained shall in any manner affect the laws now existing relating to the settlement of the estates of deceased persons, infants, idiots, lunatics, distracted persons or habitual drunkards having conservators, or to the acknowledgment or proof of deeds and other conveyances relating to real estate, or to the attestation of the execution of the last wills and testaments, or of any other instrument required by law to be attested.





1. Introduced by Mr. White, January 28, 1879, and ordered to first reading.
2. First reading January 28, 1879, and referred to Committee on Railroads.
3. Reported back, passage recommended, and ordered to second reading February 21, 1879.

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## A BILL

For an Act to regulate charges on Palace Sleeping and Dining Cars.

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SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That it shall be unlawful for any palace dining or sleeping car company, or any individual or association of individuals, running palace dining or sleeping cars, on or over any railroad or railway in this State, to charge or receive for the use and occupancy of palace sleeping or dining room cars for twenty-four hours, or less, a greater amount than the following rates, to-wit: A single berth, chair or sofa, one dollar; a section, one dollar and fifty cents; a state room, two dollars.

§ 2. It shall be the duty of any palace, dining or sleeping car company, individual or association of any kind, running palace sleeping or dining room car or cars, on or over any railroad or railway in this State, to have and expose for sale tickets, at all ticket offices upon the line of the road on or over which such cars are run, and every ticket agent, company or person, asking or receiving a greater rate than is provided in the first section of this act, shall forfeit and pay for each offense not more than five hundred dollars, nor less than two hundred dollars, and the property of the said company and the property of the party selling such ticket shall be liable upon execution for the payment of said forfeiture.

§ 3. Every person in the employ of any palace, dining room or sleeping car company, who shall refuse any person admission into any car belonging to or run by said company after the purchase of a ticket or offer to pay the amount provided for in the

4 first section of this act, shall forfeit and pay the same as is provided for in section two  
5 of this act.

§ 4. Every company and every person in the employ of such company, who shall  
2 violate or cause, or permit to be violated, any of the provisions of this act shall for  
3 each and every offense forfeit and pay the same as is provided in section two of this act.

§ 5. All actions brought against any company, person or persons for the violations  
2 of this act, may be brought in any court in this State having jurisdiction thereof in  
3 the county in which such violations occur or through which said companies cars may  
4 pass, said forfeiture to be recovered in the name of the people of the State of Illinois,  
5 one-half to be paid to the county school fund of the county in which such recovery is  
6 had, and one-half to be paid to the individual complaining.

§ 6. The word company, as used in this act, shall be construed to mean all com-  
2 panies whether in corporation or not, and every individual or association of individ-  
3 uals engaged in running sleeping cars, palace cars or dining cars over the railroads or  
4 railways of this State.

§ 7. All acts or parts of acts in conflict with this act are hereby repealed.

1. Introduced by Mr. White Jan. 28, 1879, and ordered to first reading.
2. First reading Jan. 28, 1879, and referred to Committee on Railroads.
3. Reported back, passage recommended, and ordered to second reading February 21, 1879.
4. March 14, second reading, and ordered to third reading.
5. March 18, third reading, and referred to Committee on Municipalities.
6. March 20, reported back, amended and ordered to third reading.

---

## A BILL

For an Act to regulate charges on Palace and Sleeping Car.

---

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General*

2 *Assembly,* That it shall be unlawful for any palace or sleeping car company, or any  
3 individual or association of individuals, running palace or sleeping cars, on or over any  
4 railroad or railway in this State, to charge or receive for the use and occupancy of pal-  
5 ace or sleeping room cars for twenty-four hours or less, a greater amount than the fol-  
6 lowing rates, to-wit: A single lower berth, one dollar and fifty cents; an upper berth  
7 one dollar; a chair or sofa, one dollar; a section, two dollars and fifty cents; a state  
8 room, three dollars.

§ 2. Any agent, company, individual, or association of individuals, who shall charge  
2 a greater rate than is provided for in the foregoing section, shall forfeit and pay a pen-  
3 alty for each offense of not more than five hundred dollars nor less than one hundred  
4 dollars, in an action of debt, to be recovered in any court of competent jurisdiction in  
5 this State, which action shall be brought in the name of the people of the State of  
6 Illinois; one half of the penalty recovered to be paid into the county school fund of  
7 the county in which such action is had, and one-half to the person who shall cause  
8 such action to be instituted.

§ 3. Upon complaint being made to any county attorney by any person, setting forth  
2 the particular instance in which any such agent, company, individual, or association of  
3 individuals, has violated the first section of this act, it shall be the duty of such county  
4 attorney to institute an action for the recovery of such penalty, and, in case a recovery  
5 shall be had, such county attorney shall be allowed the sum of twenty-five dollars, to  
6 be taxed as costs in such action.

[In House.]

1. Reported to House April 25, 1879.
2. First reading April 28, and referred to Committee on Corporations.
3. Reported back, tabled, and then, on motion, taken from table, ordered printed and to a second reading, May 9.

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## A BILL

For an Act to Regulate Charges on Palace and Sleeping Car.

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SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General*  
2 *Assembly,* That it shall be unlawful for any palace or sleeping car company, or any in-  
3 dividual or association of individuals, running palace or sleeping cars, on or over any  
4 railroad or railway in this State, to charge or receive for the use and occupancy of pal-  
5 ace or sleeping room cars for twenty-four hours or less, a greater amount than the fol-  
6 lowing rates, to-wit: A single lower berth, one dollar and fifty cents; an upper berth,  
7 one dollar; a chair or sofa, one dollar; a section, two dollars and fifty cents; a state  
8 room, three dollars.

§ 2. Any agent, company, individual, or association of individuals, who shall charge  
2 a greater rate than is provided for in the foregoing section, shall forfeit and pay a pen-  
3 alty for each offense of not more than five hundred dollars nor less than one hundred  
4 dollars, in an action of debt, to be recovered in any court of competent jurisdiction in  
5 this State, which action shall be brought in the name of the people of the State of  
6 Illinois; one half of the penalty recovered to be paid into the county school fund of the  
7 county in which such action is had, and one-half to the person who shall cause such  
8 action to be instituted.

§ 3. Upon complaint being made to any county attorney by any person, setting forth  
2 the particular instance in which any such agent, company, individual, or association of  
3 individuals, has violated the first section of this act, it shall be the duty of such county

attorney to institute an action for the recovery of such penalty, and, in case a recovery  
shall be had, such county attorney shall be allowed the sum of twenty-five dollars, to  
be taxed as costs in such action.

1. Introduced by Mr. Munn, January 23, 1879, and ordered to first reading.
  2. First reading January 28, 1879, and referred to Committee on Judiciary.
  3. Reported back with amendments, passage recommended, and ordered to second reading February 12, 1879.
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Amendments to Senate Bill No. 117.

*First.*—Amend section 1 by striking out of line 4 the word “said” and insert in lieu thereof the word “an;” also insert after the word “act” in same line, the words “entitled an act to revise the law in relation to liens, approved March 25, 1874; in force July 1, 1874.”

*Second.*—Before the word “every” in line 13 of written bill, insert the word and figures “Section 29.”

*Third.*—In last line but one of page 2, written bill, strike out the word “unreasonable” and insert in lieu thereof the word “unreasonably.”

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**A BILL**

For an act to amend section 29 of an act entitled, “An act to revise the law in relation to liens,” approved March 25, A. D. 1874; in force July 1, A. D. 1874.

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SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That section twenty-nine of said act be so amended as to read as follows :  
Every sub-contractor, employee and material man of such sub-contractor, workman or other person, who shall hereafter, in pursuance of the purposes of the original contract between the owner of any lot or piece of ground, or his agent and the original contractor, perform any labor or furnish any materials in building, altering, repairing, beautifying or ornamenting any house or other building or appurtenance thereto, on such lot



8 or piece of ground, or on any street or alley, and connected with such building or ap-  
9 purtenance, shall have a lien for the value of such labor and materials upon such house  
10 or building and appurtenances, and upon the lot or land upon which the same stands,  
11 to the extent of the right, title and interest of such owner at the time of making the  
12 original contract for such house or improvement; but the aggregate of all the liens  
13 hereby authorized shall not exceed the price stipulated in the original contract between  
14 such owner and the original contractor for such improvement. In no case shall the  
15 owner be compelled to pay a greater sum for or on account of such house, building or  
16 other improvement than the price or sum stipulated in the original contract or agree-  
17 ment: *Provided*, if it shall appear to the Court that the owner and contractor fraudu-  
18 lently and for the purpose of defrauding sub-contractor or sub-contractor's employees or  
19 material men fixed an unreasonable low price in their original contract for the erection  
20 or repairing of such building, then the Court shall ascertain how much of a difference  
21 exists between a fair price for the labor and materials used in said building or other  
22 improvement and the sum named in said original contract. Said difference shall be  
23 considered a part of the contract and be subject to a lien, but in no case shall the origi-  
24 nal contractors time or profits be secured by this lien only so far as the sum named in  
25 the original contract or agreement.

1. Introduced by Mr. Munn, January 28, 1879, and ordered to first reading.
2. First reading January 28, 1879, and referred to Committee on Judiciary.
3. Reported back with amendments, passage recommended, and ordered to second reading February 12, 1879.
4. February 28, 1879, second reading, amended and ordered to third reading.

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## A BILL

For an act to amend section 29 of an act entitled "An Act to revise the law in relation to Liens," approved March 25, A. D. 1874; in force July 1, A. D. 1874.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General*

*Assembly,* That section twenty-nine of an act entitled "An Act to revise the law in relation to Liens," approved March 25, 1874; in force July 1, 1874, be so amended as to read as follows:

§ 29. Every sub-contractor, employee and material man of said sub-contractor, workman or other person, who shall hereafter, in pursuance of the purposes of the original contract between the owner of any lot or piece of ground, or his agent and the original contractor, perform any labor or furnish any materials in building, altering, repairing, beautifying or ornamenting any house or other building or appurtenance thereto, on such lot or piece of ground, or on any street or alley, and connected with such building or appurtenance, shall have a lien for the value of such labor and materials upon such house or building and appurtenances, and upon the lot or land upon which the same stands, to the extent of the right, title and interest of such owner at the time of making the original contract for such house or improvement; but the aggregate of all the liens hereby authorized shall not exceed the price stipulated in the original contract between such owner and the original contractor for such improve-

ment. In no case shall the owner be compelled to pay a greater sum for or on account of such house, building or other improvement than the price or sum stipulated in the original contract or agreement; *Provided*, if it shall appear to the court that the owner and contractor fraudulently and for the purpose of defrauding sub-contractor, or sub-contractor's employees or material men, fixed an unreasonable low price in their original contract for the erection or repairing of such building, then the court shall ascertain how much of a difference exists between a fair price for the labor and materials used in said building or other improvements, and the sum named in said original contract. Said difference shall be considered a part of the contract and be subject to a lien, but in no case shall the original contractors time or profits be secured by this lien, only so far as the sum named in the original contract or agreement.

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(Substitute for Senate Bill No. 35.)

1. Introduced by Mr. Taliaferro, from Committee on Agriculture and Drainage January 29, 1879, and ordered to first reading.
2. First reading January 29, 1879, and ordered to second reading.

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## A BILL

For an Act to amend section two (2) of an act entitled "an act to revise the law in relation to fences," approved March 21, 1874.

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SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That section two (2) of an act entitled "an act to revise the law in relation to fences," approved March 21, 1874, be amended so as to read as follows:

§ 2. Fences four and one-half feet high and in good repair, consisting of rails, timber, boards, stone, hedges, barbed wire, or whatever the fence viewers of the town or precinct where the same shall lie, shall be considered equivalent thereto, shall be deemed legal and sufficient fences.



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( In House. )

1. Reported from Senate Feb. 7, 1879.
2. First reading February 8, 1879, and referred to Committee on County and Township organization.
3. Reported back, passage recommended, and ordered to second reading February 13, 1879.

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### A BILL

For an act to amend Section two (2) of an act entitled, "An Act to revise the law in relation to fences." Approved March 21st, 1874.

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**SECTION 1.** *Be it enacted by the People of the State of Illinois represented in the General Assembly, That* Section two (2) of an act entitled "An Act to revise the law in relation to fences," approved March 21st, 1874, be amended so as to read as follows:

§ 2. Fences four and one-half feet high, and in good repair, consisting of rails, timber, boards, stone hedges, barbed wire, or whatever the fence viewers of the town or precinct where the same shall lie shall consider equivalent thereto shall be deemed legal and sufficient fences.



1. Introduced by Mr. Southworth January 29, 1879, and ordered to first reading.
2. First reading January 29, 1879, and referred to Committee on Insurance
3. Reported back, passage recommended, and ordered to second reading February 22, 1879.

## A BILL

For an act to regulate the forfeitures of policies of Life Insurance.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General*

2 *Assembly,* That no policy of insurance on life hereafter issued by any company doing  
3 business in this State, shall be forfeited or become void by the non-payment of pre-  
4 mium thereon, any further than regards the right of the party insured therein to have  
5 it continued in force beyond a certain period, to be determined as follows, to-wit:  
6 "The net value of the policy when the premium becomes due, and is not paid, shall  
7 be ascertained according to the actuaries rate of mortality, with interest at four per  
8 cent per annum, after deducting from such net value any indebtedness to the company,  
9 or notes held by the company against the insured, which notes, if given for the premi-  
10 um, shall then be canceled; four-fifths of what remains shall be considered as a net,  
11 single premium of temporary insurance, and the term for which it will insure shall be  
12 determined according to the age of the party at the time of the lapse of premium and  
13 the assumptions of mortality and interest aforesaid."

§ 2. No policy of insurance on life hereafter issued by any company doing business  
2 in this State, shall be forfeited or become void by the non-payment of premium there-  
3 on, so long as there may be earnings, credits or dividends belonging to the insured in  
4 the hands of the company, sufficient to carry said policy; but such policy shall remain  
5 in force as long as such earnings, credits or dividends will carry the policy at the same  
6 rate of premium specified in the policy.



§ 3. If the death of the party occurs within the term of temporary insurance covered by the value of the policy as determined by the first section of this act, and if no condition of the insurance, other than the payment of premium, shall have been notated by the insured, the company shall be bound to pay the amount of the policy, the same as if there had been no lapse of premium, any thing in the policy to the contrary notwithstanding: *Provided*, that notice of the claim, and proof of the death of the party insured, shall be submitted to the company within the time named in the policy: *And provided, also*, that the company shall have the right to deduct from the amount insured in the policy, the amount at six per cent per annum of the premium that had been foreborne at the time of the death.

§ 4. In all suits upon policies of insurance on life hereafter issued by any company doing business in this State, it shall be no defense that the insured committed suicide: *Provided*, it shall appear that the insured was insane at the time the suicide was committed, anything in the policy to the contrary notwithstanding.

1. Introduced by Mr. Callen Jan. 29, 1879, and ordered to first reading.
2. First reading Jan. 29, 1879, and referred to Committee on Judicial Department.
3. Reported back, passage recommended, and ordered to second reading February 6, 1879.

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## A BILL

For an act to amend an act entitled "An act to establish Appellate Courts, approved June 2, 1877; in force July 1, 1877."

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SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That Section five (5) of "An act to establish Appellate Courts, approved June 2, 1877, in force July 1, 1877," be amended so as to read as follows:*

§ 5. The Supreme Court of this State shall assign twelve of the judges of the Circuit Court of this State to duty in said Appellate Court as follows: Three of them to the first district; three of them to the second district; three of them to the third district; and three of them to the fourth district; which said assignment shall be for a term of three years, and upon the expiration of said term, the Supreme Court shall assign their successors for the term aforesaid: *Provided, the terms of the judges so assigned in the year of our Lord 1877, shall expire on the first Monday of June A. D. 1879; and provided further, The Supreme Court may for good cause shown remove any of said judges from duty in any of said Appellate Courts, and in all cases of vacancy in any of said Appellate Courts, the Supreme Court shall fill such vacancy by assigning another judge of the Circuit Court to duty therein. And provided further: The Supreme Court shall not assign to duty in the Appellate Court of any district, any circuit judge who resides or presides in any circuit in said district.*

1878. 2. Whereas the term of the present appellate judges will expire on the first Monday  
2 day in June 1879, wherefore an emergency exists, therefore this law shall be in force  
3 from and after its passage.

1. Introduced by Mr. Callon, January 29, 1879, and ordered to first reading.
2. First reading January 29, 1879, and referred to Committee on State Charitable Institutions.
3. March 6, reported back with amendments, passage recommended and referred to Committee on Appropriations.
4. March 20, 1879, reported back with amendments, passage recommended and ordered to second reading.

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Amendments to Senate Bill 122, reported from the Committee on State Charitable Institutions, and Committee on Appropriations.

- Amend item for ordinary expenses by substituting for words "one hundred and fifteen thousand (\$115,000) dollars," the words "one hundred and ten thousand dollars (\$110,000).
- Amend item for renewing the heating surfaces, etc., by substituting for words "six thousand dollars (\$6000)," the words "five thousand dollars (\$5000)."
- Amend by striking out item "for building soapery, and fixtures for making soap, one thousand dollars (\$1000)."
- Amend item "for putting in thermostats, etc., by substituting for words "two thousand dollars (\$2000)," the words "one thousand dollars (\$1000).

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### **A BILL**

For an act making appropriations to defray the ordinary expenses of the Illinois Central Hospital for the Insane, located at Jacksonville; for the purchase of land, and for making repairs and improvements to said Hospital.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General*

*Assembly,* That for the purpose of defraying the ordinary expenses of the Central Hospital for the Insane, at Jacksonville, the sum of one hundred and fifteen thousand (\$115,000) dollars per annum be and is hereby appropriated out of the State treasury, payable quarterly in advance, from the first day of July, 1879, until the expiration of the first fiscal quarter after the adjournment of the next General Assembly;

For renewing the heating surfaces in one section of one wing, and for general repairs and improvements, six thousand (\$6000) dollars per annum;

For the purchase of thirty (30) acres of land, five thousand (\$5000) dollars;

For building for shops, mill and engine rooms, and for steam engine, mill and shafting, eight thousand (\$8000) dollars;

For buildings for corn-cribs, piggery, slaughter-house, and apparatus for cooking food, twenty five hundred (\$2500) dollars;

For enlarging, finishing and furnishing amusement hall, three thousand (\$3000) dollars;

For building for soapery, and fixtures for making soap, one thousand (\$1000) dollars;

For improving grounds, two thousand (\$2000) dollars;

For painting outside of new wings, re-arranging fences and grading, one thousand (\$1000) dollars;

For putting in thermostats at proper places throughout the building, connecting the different parts of the hospital with the central office by electric signals, and for constructing telegraph to connect with the town office, with the necessary apparatus for operating the same, two thousand (\$2000) dollars.

2. The Auditor of Public Accounts is hereby authorized and required to draw his warrant on the treasury for the said sums, upon the orders of the Board of Trustees of the Illinois Central Hospital for the Insane, signed by the president, and attested by the secretary of said board with the seal of the institution, accompanied by such vouchers and estimates as are now required by law for the drawing of funds from the treasury by said institution.

1. Introduced by Mr. Callon, January 29, 1879, and ordered to first reading.
2. First reading January 29, and referred to Committee on State Charitable Institutions.
3. March 6, reported back with amendments, passage recommended and referred to Committee on Appropriations.
4. March 20, reported back with amendments, passage recommended and ordered to second reading.
5. April 11, second reading, amended and ordered to third reading.

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### **A BILL**

For an act making Appropriations to defray the Ordinary Expenses of the Illinois Central Hospital for the Insane, located at Jacksonville; for the Purchase of Land, and for making Repairs and Improvements to said Hospital.

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- SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General*
- 2 *Assembly, That for the purposes of defraying the ordinary expenses of the Central*
  - 3 *Hospital for the Insane, at Jacksonville, the sum of one hundred and ten thousand*
  - 4 *(\$110,000) dollars per annum be and is hereby appropriated out of the State treasury,*
  - 5 *payable quarterly in advance, from the first day of July, 1879, until the expiration of*
  - 6 *the first fiscal quarter after the adjournment of the next General Assembly;*
  - 7 *For renewing the heating surfaces in one section of one wing, and for general repairs*
  - 8 *and improvements, five thousand dollars (\$5000) per annum;*
  - 9 *For the purchase of thirty (30) acres of land, five thousand dollars (\$5000);*
  - 10 *For building for shops, mill and engine rooms, and for steam engine, mill and shaft-*
  - 11 *ing, eight thousand dollars (\$8000);*
  - 12 *For buildings for corn-cribs, piggery, slaughter-house, and apparatus for cooking*
  - 13 *food, twenty-five hundred dollars (\$2500);*

- 14 For enlarging, finishing and furnishing amusement hall, three thousand dollars  
15 (\$3000);
- 16 For improving grounds, one thousand dollars (\$1000);
- 17 For painting outside of new wings, re-arranging fences and grading, one thousand  
18 dollars (\$1000);
- 19 For putting in thermostats at proper places throughout the building, connecting the  
20 different parts of the hospital with the central office by electric signals, and for con-  
21 structing telegraph to connect with the town office, with the necessary apparatus for  
22 operating the same, one thousand dollars (\$1000).

§ 2. The Auditor of Public Accounts is hereby authorized and required to draw  
2 his warrant on the treasury for the said sums, upon the orders of the board of trustees  
3 of the Illinois Central Hospital for the Insane, signed by the president, and attested by  
4 the secretary of said board with the seal of the institution, accompanied by such  
5 vouchers and estimates as are now required by law for the drawing of funds from the  
6 treasury by said institution.

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(In House.)

1. Reported to House April 19, 1879.
  2. First reading April 19, and referred to Committee on Appropriations.
  3. Reported back, passage recommended and ordered to second reading May 1.
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## A BILL

For an Act making appropriations to defray the ordinary expenses of the Illinois Central Hospital for the Insane, located at Jacksonville; for the purchase of land, and for making repairs and improvements to said Hospital.

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SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General*

2 *Assembly, That for the purposes of defraying the ordinary expenses of the Central Hos-*  
3 *pital for the Insane, at Jacksonville, the sum of one hundred and ten thousand dollars*  
4 *(\$110,000) per annum be and is hereby appropriated out of the State treasury, payable*  
5 *quarterly in advance, from the first day of July, 1879, until the expiration of the first*  
6 *fiscal quarter after the adjournment of the next General Assembly.*

7 *For renewing the heating surfaces in one section of one wing, and for general repairs*  
8 *and improvements, five thousand dollars (\$5,000) per annum.*

9 *For the purchase of thirty (30) acres of land, five thousand dollars (\$5,000).*

10 *For building for shops, mill and engine rooms, and for steam engine, mill and shaft-*  
11 *ing, eight thousand dollars (\$8,000).*

12 *For buildings for corn cribs, piggery, slaughter-house, and apparatus for cooking*  
13 *food, twenty-five hundred dollars (\$2500).*

14 *For enlarging, finishing and furnishing amusement hall, three thousand dollars (\$3,000).*

15 *For improving grounds, one thousand dollars (\$1,000).*



- 16 For painting outside of new wings, re-arranging fences and grading, one thousand  
17 dollars (\$1,000).
- 18 For putting in thermostats at proper places throughout the building, connecting the  
19 different parts of the hospital with the central office by electric signals, and for con-  
20 structing telegraph to connect with the town office, with the necessary apparatus for  
21 operating the same, one thousand dollars (\$1,000).

§ 2. The Auditor of Public Accounts is hereby authorized and required to draw his  
2 warrant on the treasury for the said sums, upon the orders of the board of trustees of  
3 the Illinois Central Hospital for the Insane, signed by the president, and attested by the  
4 secretary of said board with the seal of the institution, accompanied by such vouchers  
5 and estimates as are now required by law for the drawing of funds from the treasury by  
6 said institution.

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1. Introduced by Mr. McDowell January 29, 1879, and ordered to first reading.
  2. First reading January 29, 1879, and referred to Committee on Miscellany.
  3. Reported back with recommendation do not pass, February 3, 1879.
  4. February 15, 1879, ordered to second reading.

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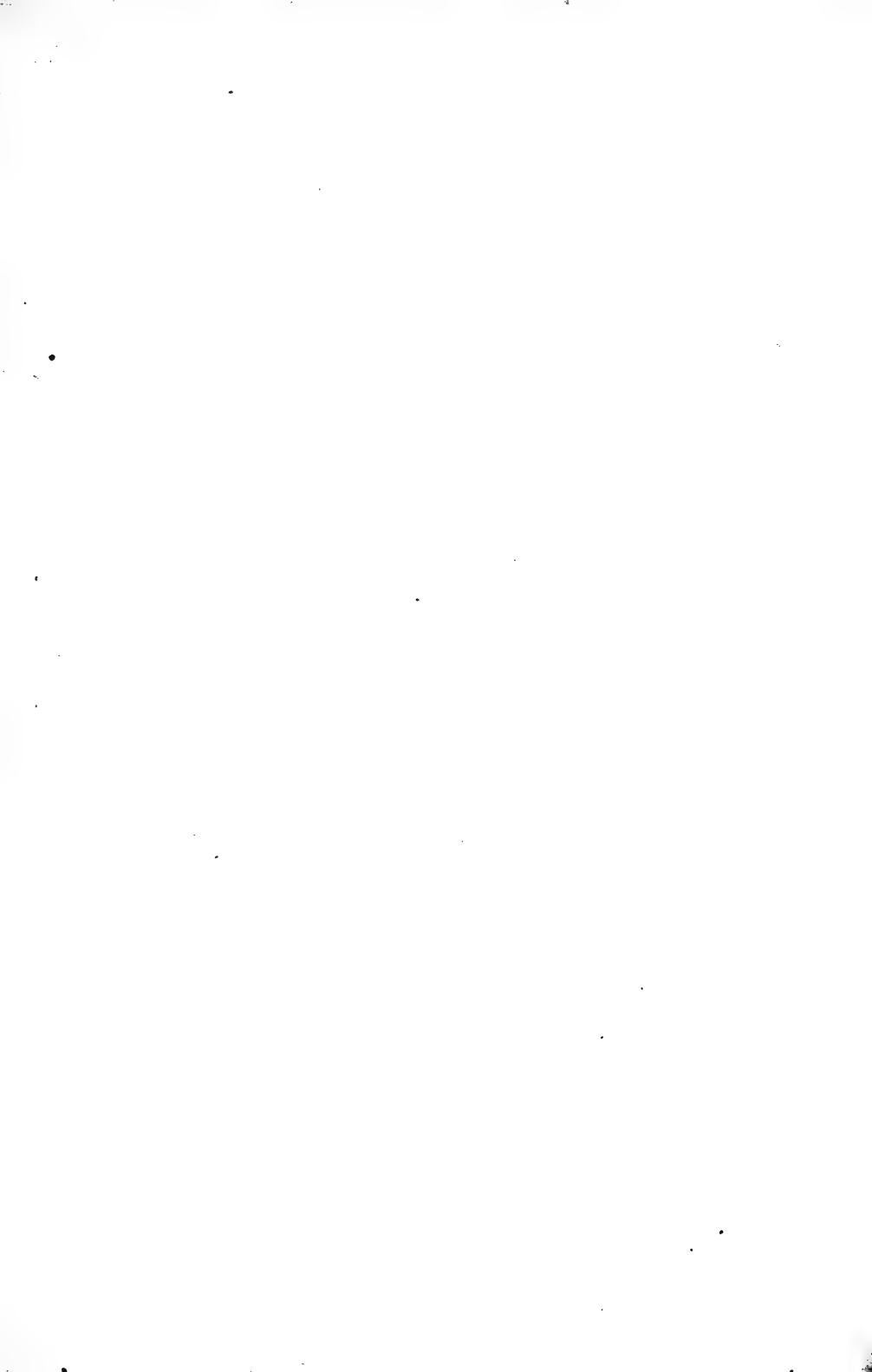
## A BILL

For an Act to repeal an act to create and establish a Board of Health in the State of Illinois," approved May 25, 1877.

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SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That an act entitled "An Act to create and establish a Board of Health in the State of Illinois," approved May 25, 1877, be and the same is hereby repealed.

§ 2. That the present Board of Health be and they are hereby directed to deposit with the Secretary of State all books, records and papers belonging to said Board.



1. Introduced by Mr. Merritt January 29, 1879, and ordered to first reading.
2. First reading February 22, 1879, and referred to Committee on Judiciary.
3. Reported back and be ordered recommended, to second reading, so ordered February 22, 1877.

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### **A BILL**

**For an act in regard to the prosecution of criminal offenses.**

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*SECTION 1. Be it enacted by the People of the State of Illinois, represented in the General*

*Assembly, That the several courts of this State shall possess and may exercise the same power and jurisdiction to hear, try, and determine prosecutions upon informations for crimes, misdemeanors and offenses, to issue writs and process, and do all other acts therein, as they possess and may exercise in cases of like prosecutions upon indictment.*

§ 2. All informations shall be filed during the term in the court having jurisdiction of the offense specified therein, by the prosecuting attorney of the proper county, as informant. He shall subscribe his name thereto, and endorse thereon the names of the witnesses known to him at the time of filing the same, and at such time before trial of any case, as the court may, by rule or otherwise prescribe; he shall also endorse thereon the names of such other witnesses as shall be known to him.

§ 3. All informations shall be verified by the oath of the prosecuting attorney, complainant, or some other person, and the offenses charged therein, shall be stated with the same fullness and precision in matters of substance as is required in indictments in like cases. Different offenses and different degrees of the same offense may be joined by different counts in one information, and in all cases where the same might be joined by different counts in one indictment, and in all cases a defendant or defendants shall

7 have the same right, as to proceedings therein, as he or they would have if prosecuted  
8 for the same offense upon indictment.

§ 4. The act entitled "An Act to revise the law in relation to criminal jurispru-  
2 dence," approved March 27, 1874, and all other provisions of law applying to prosecu-  
3 tions upon indictments to writs of process thereon, and the issuing and service thereof,  
4 to motions, pleadings, trials, and punishments, or the execution of any sentence, and  
5 to all other proceedings in cases of indictment whether in the court of original or ap-  
6 pelate jurisdiction, shall in the same manner and to the same extent, as near as may be,  
7 apply to informations and proceedings therein.

§ 5. Any person who may accordingly be committed to jail, or become recognized  
2 and held to bail with sureties for his appearance in court to answer to any indictment,  
3 may, in like manner so be committed to jail or become recognized and held to bail for  
4 his appearance, to answer any information or any indictment as the case may be.

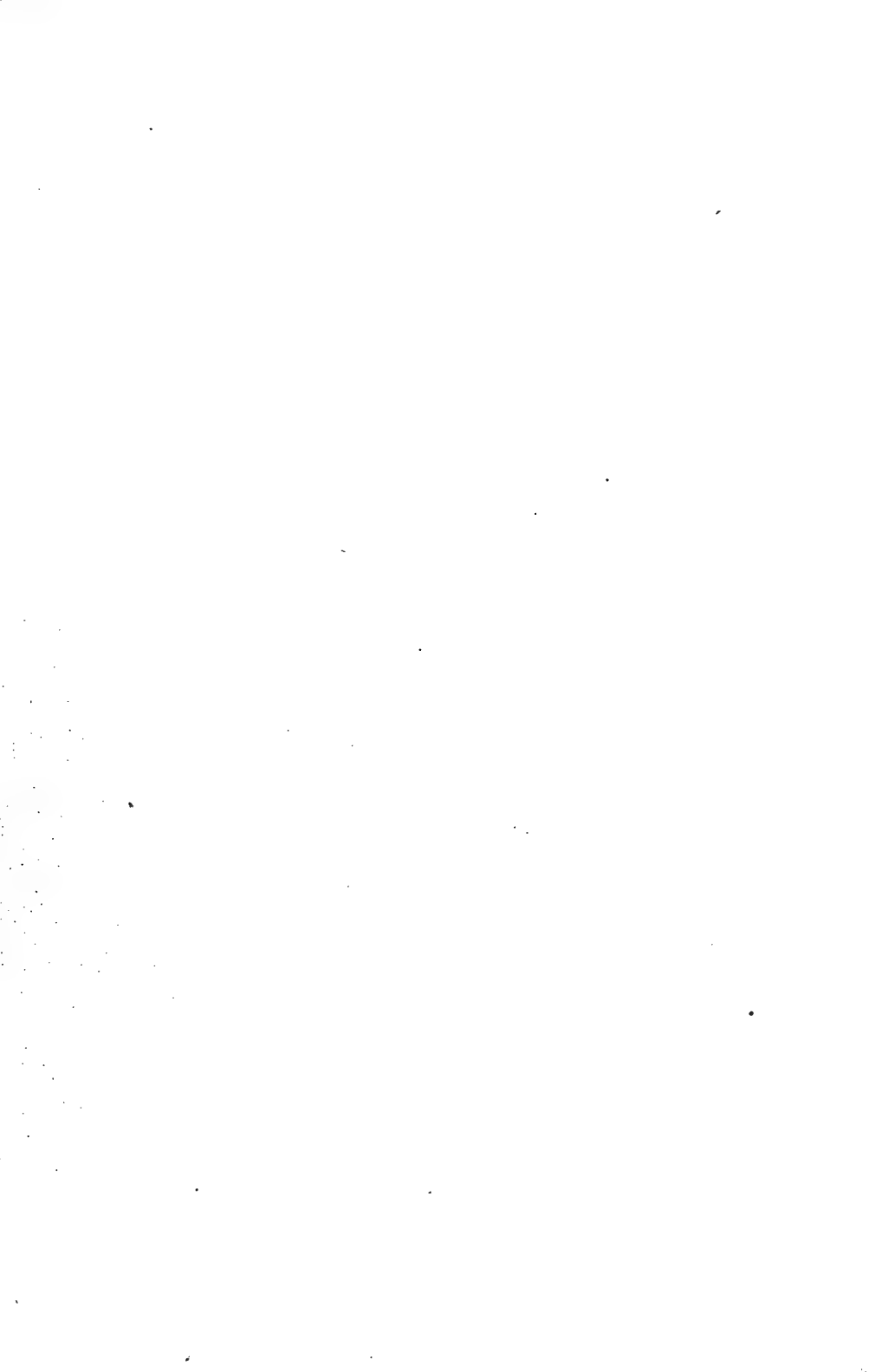
§ 6. It shall be the duty of the States Attorney of the proper county to inquire into  
2 and make full examination of all the facts and circumstances connected with any ex-  
3 amination, as provided by law, touching the commission of any offense whereon the of-  
4 fender shall be committed to jail, or be recognized or held to bail, and if the States At-  
5 torney shall determine, in any case, that an information ought not to be filed, he shall  
6 make, subscribe, and file with the clerk of the court a statement in writing, containing  
7 his reasons in fact and in law, for not filing on information in such case, and that such  
8 statement shall be filed at and during the term of the court at which the offender shall  
9 be held for appearance: *Provided*, that in such case, such court may examine said  
10 statement, together with the evidence filed in the case, and if upon such examination  
11 the court shall not be satisfied with said statement, the States Attorney shall be direc-  
12 ted by the court to file the proper information, and bring the case to trial.

§ 7. Grand juries shall not hereafter be drawn, summoned or required to attend at  
2 the sitting of any court within this State, as provided by law, unless the judge thereof  
3 shall so direct in writing under his hand and filed with the clerk of said court.

§ 8. No information shall be filed against any person for any offense, until such per-  
2 son shall have had a preliminary examination therefor, as provided by law, before a  
3 justice of the peace or other examining magistrate or officer, unless such person shall  
4 waive his right to such examination: *Provided, however*, that information may be filed

5 with such examination against fugitives from justice, and any fugitives from justice,  
 6 against whom an information shall be filed, may be demanded by the Governor of this  
 7 State, or the executive authority of any other State or territory, or any foreign govern-  
 8 ment, in the same manner, and the same proceedings may be had therein as provided  
 9 by law in like cases of demand upon indictment filed.

§ 9. The Criminal Court of Cook county shall be deemed to be one of the courts  
 2 referred to in the first section of this act, and the provisions of this act shall apply and  
 3 extend to said court in same manner and to same extent as to any of the courts of the  
 4 State referred to in said first section.



1. Introduced by Mr. Davis January 29, 1879, and ordered to first reading.
2. First reading January 29, 1879, and referred to Committee on Education and Educational Institutions.
3. Reported back March 6, 1879, passage recommended and referred to Committee on Appropriations.
4. March 18, 1879, reported back, passage recommended and ordered to second reading.

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### A BILL

For an Act making Appropriations for Illinois Industrial University. (Appropriates \$10,000 per annum, and \$3,000.

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SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General*

2 *Assembly,* That there be and hereby is appropriated to the Industrial University at Ur-  
3 bana, for the payment of taxes accruing in the years 1878 and 1879 on lands owned and  
4 held by the State, for the use of said institution, in the county of Gage, in the State of  
5 Nebraska, and in the counties of Pope, Kandiyohi and Renville, in the State of Min-  
6 nesota, the sum of two thousand five hundred dollars (\$2,500) per annum.

7 For current repairs and improvements on buildings and grounds for the said Univer-  
8 sity, during the years 1879 and 1880, the sum of two thousand five hundred dollars  
9 (\$2,500) per annum.

10 For current expenses of the chemical and physical laboratories of the said University,  
11 for the years 1879 and 1880, the sum of one thousand dollars (\$1,000) per annum.

12 For the current expenses for educational work and practical instruction of students  
13 in the mechanical shops of said university, for the years 1879 and 1880, the sum of one  
14 thousand five hundred dollars (\$1,500) per annum.

15 For the University library and museums, for the years 1879 and 1880, to-wit:

16 For the purchase of books, and publication and binding of same, one thousand five  
17 hundred dollars (\$1,500) per annum.



18 For collecting and mounting of specimens for geological, mineralogical and zoologi-  
19 cal cabinets, the sum of one thousand dollars (\$1,000) per annum.

20 For the erection of new water closets for the main building, additional drainage for  
21 the same, additional steam heating coils, water and gas service pipe; also, improve-  
22 ments for ventilation of said building, the sum of two thousand five hundred dollars  
23 (\$2,500).

24 For the purchase of musical instruments for the band connected with the military  
25 department of the said University; also, for purchase of side arms and equipments for  
26 the officers of said department, the sum of five hundred dollars (\$500).

27 For the purchase of an engine, boiler and steam pipes for use in heating the Univer-  
28 sity main building, and for the general repair of the heating apparatus of the University,  
29 the sum of three thousand dollars (\$3,000.)

§ 2. (When and how drawn.) The Auditor of Public Accounts is hereby author-  
3 ized and directed to draw his warrant on the Treasurer for the sum herein appropri-  
4 ated, payable out of any money in the Treasury not otherwise appropriated, upon the  
5 order of the President of said Board, attested by the Secretary, with the corporate seal  
6 of the University: *Provided*, that no part of said sum shall be due and payable to said  
7 institution until satisfactory vouchers in detail, approved by the Governor, shall be  
8 filed with the Auditor for all previous expenditures incurred by the institution on  
9 account of appropriations heretofore made; and, *Provided further*, that vouchers shall  
10 be taken in duplicate, and original or duplicate vouchers shall be forwarded to the  
Auditor of Public Accounts for the expenditures of the sums appropriated in this act.

(In House.)

1. Reported to House April 19, 1879.
2. First reading April 19, and referred to Committee on Appropriations.
3. Reported back, passage recommended, and ordered to second reading April 26.

## A BILL

For an act making appropriations for Illinois Industrial University.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General*

*Assembly.* That there be and hereby is appropriated to the Industrial University at Urbana, for the payment of taxes accruing in the years 1878 and 1879 on lands owned and held by the State, for the use of said institution, in the county of Oage, in the State of Nebraska, and in the counties of Pope, Kaudyohi and Renville, in the State of Minnesota, the sum of two thousand five hundred dollars (\$2,500) per annum.

For current repairs and improvements on buildings and grounds for the said University, during the years 1879 and 1880, the sum of two thousand five hundred dollars (2,500) per annum.

For current expenses of the chemical and physical laboratories of the said University, for the years 1879 and 1880, the sum of one thousand dollars (\$1,000) per annum.

For the current expenses for educational work and practical instruction of students in the mechanical shops of said university, for the years 1879 and 1880, the sum of one thousand five hundred dollars (\$1,500) per annum.

For the University library and museums, for the years 1879 and 1880, to-wit:

For the purchase of books, and publication and binding of same, one thousand five hundred dollars (\$1,500) per annum.

18 For collecting and mounting of specimens for geological, mineralogical and zoologi-  
 19 cal cabinets, the sum of one thousand dollars (\$1,000) per annum.

20 For the erection of new water closets for the main building, additional drainage for  
 21 the same, additional steam heating coils, water and gas service pipe; also, improve-  
 22 ments for ventilation of said building, the sum of two thousand five hundred dollars  
 23 (\$2,500).

24 For the purchase of musical instruments for the band connected with the military de-  
 25 partment of the said university; also, for purchase of side arms and equipments for the  
 26 officers of said department, the sum of five hundred dollars (\$500).

27 For the purchase of an engine, boiler and steam pipes for use in heating the univer-  
 28 sity main building, and for the general repair of the heating apparatus of the University,  
 29 the sum of three thousand dollars (\$3,000).

§ 2. [WHEN AND HOW DRAWN.] The Auditor of Public Accounts is hereby author-  
 30 ized and directed to draw his warrant on the Treasurer for the sum herein appropriated,  
 31 payable out of any money in the treasury not otherwise appropriated, upon the order  
 32 of the president of said board, attested by the secretary, with the corporate seal of the  
 33 university: *Provided*, that no part of said sum shall be due and payable to said institu-  
 34 tion, until satisfactory vouchers in detail, approved by the Governor, shall be filed with  
 35 the Auditor for all previous expenditures incurred by the institution on account of ap-  
 36 propriations heretofore made: *And, provided further*, that vouchers shall be taken in  
 37 duplicate, and original or duplicate vouchers shall be forwarded to the Auditor of Pub-  
 38 lic Accounts for the expenditures of the sums appropriated in this act.

1. Introduced by Mr. Hamilton January 29, 1879, and ordered to first reading.
2. First reading January 29, 1879, and referred to Committee on Educational Institutions.
5. March 6, 1879, reported back, passage recommended and referred to Committee on Appropriations.
3. March 18, 1879, reported back, passage recommended, and ordered to second reading.

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### A BILL

For an Act making an appropriation for the ordinary expenses of the Normal University at Normal, and for additions to the library, museum and apparatus thereof.

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SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That there be and hereby is appropriated to the Normal University at Normal, for ordinary expenses, in addition to the one-half of the interest of the college and seminary fund, which is hereby appropriated, the further sum of eighteen thousand and dollars (\$18,000) per annum, payable quarterly in advance, for the payment of salaries, for the purchase of fuel, for additions to library and museum, for apparatus, and for incidental expenses: *Provided,* that the expenses of the model and high schools shall be paid from the receipts for tuition of the pupils in said schools.

§ 2. The Auditor of Public Accounts is hereby authorized and required to draw his warrant upon the Treasurer for the aforesaid sums of money, upon the order of the State Board of Education, signed by the president, and attested by the secretary of said board with the corporate seal of the institution: *Provided,* that no part of the moneys herein appropriated shall be due and payable to the said institution until satisfactory vouchers, in detail, approved by the Governor, have been filed with the Auditor, for the expenditure of the last quarterly installment of appropriations herein, or heretofore, made for the defraying of the ordinary expenses of said university.

§ 2. This act shall be and continue in force from the first day of July, A. D. 1879,  
2 until the expiration of the first fiscal quarter after the adjournment of the next Gen-  
3 eral Assembly.

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(In House.)

1. Reported to House April 19, 1879.
2. First reading April 19, and referred to Committee on Appropriations.
3. Reported back, passage recommended and ordered to second reading April 20.

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## A BILL

For an Act making an appropriation for the ordinary expenses of the Normal University at Normal, and for additions to the library, museum and apparatus thereof.

---

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That there be and hereby is appropriated to the Normal University at Normal, for ordinary expenses, in addition to the one-half of the interest of the college and seminary fund, which is hereby appropriated, the further sum of eighteen thousand dollars (\$18,000) per annum, payable quarterly in advance, for the payment of salaries, for the purchase of fuel, for additions to library and museum, for apparatus, and for incidental expenses: *Provided*, that the expenses of the model and high schools shall be paid from the receipts for tuition of the pupils in said schools.

§ 2. The Auditor of Public Accounts is hereby authorized and required to draw his warrant upon the Treasurer for the aforesaid sums of money, upon the order of the State Board of Education, signed by the president and attested by the secretary of said board, with the corporate seal of the institution: *Provided*, that no part of the moneys herein appropriated shall be due and payable to the said institution until satisfactory vouchers, in detail, approved by the Governor, have been filed with the Auditor, for the expenditure of the last quarterly installment of appropriations herein, or heretofore, made for the defraying of the ordinary expenses of said university.

§ 3. This act shall be and continue in force from the first day of July, A. D. 1879,  
2 until the expiration of the first fiscal quarter after the adjournment of the next General  
3 Assembly.

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(In House.)

1. Reported to House April 19, 1879.
2. First reading April 19, and referred to Committee on Appropriations.
3. Reported back, passage recommended, and ordered to second reading April 26.
4. Second reading, amended and ordered to third reading May 3.

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Amendment to Senate Bill No. 127, adopted May 8, 1879.

Amend by striking out of Section 1 the words and figures "eighteen thousand dollars

2 (\$18,000)," in lines four and five, and insert "sixteen thousand dollars (\$16,000)."





1. Introduced by Mr. Mayfield Jan. 26, 1879, and ordered to first reading.
  2. First reading Jan. 29, 1879, and referred to Committee on State Charitable Institutions.
  3. March 6, 1879, reported back with amendments, passage recommended, and referred to Committee on Appropriations.
  4. March 19, 1879, reported back with amendments, passage recommended, and ordered to second reading.
- 

Amendments to Senate Bill No. 129, reported from the Committee on State Charitable Institutions, and Appropriation Committee.

- Amend item for ordinary expenses by substituting for the words "seventy-two thousand and dollars (\$72,000) per annum" the words "forty-six thousand dollars (\$46,000) for the first year, and fifty-four thousand dollars (\$54,000) for the second year."
- Amend by striking out items "eleven thousand six hundred and fifty dollars (\$11,650) for enlarging the domestic building for," etc., and "nine thousand two hundred and seventy-five dollars (\$9,275) for the erection of workshops."
- Amend by striking out item "twelve hundred dollars (\$1200) for the erection of a cow stable."
- Amend item for finishing steam-heating, etc., by substituting for the work "twenty thousand dollars (\$20,000)" the words "ten thousand dollars (\$10,000)."
- Amend item for construction of soap house by substituting for words "four hundred and fifty-five (\$455)" the words two hundred and fifty dollars (\$250)."
- Amend by adding to section one the words "for repairs, two thousand five hundred dollars (\$2,500) per annum."
- Amend by adding to section one the words "for improvement of grounds, five hundred dollars (\$500) per annum."
- Amend item for construction of four cisterns for rain water by substituting for words "two thousand dollars (\$2,000)" the words "one thousand dollars (\$1,000)."

## A BILL

For an act making appropriations for the Illinois Asylum for Feeble Minded Children.

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SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That for the purpose of defraying the ordinary expenses of the Illinois Asylum for Feeble Minded Children, the sum of seventy-two thousand dollars (\$72,000) per annum be and the same is hereby appropriated out of the State Treasury, payable quarterly in advance, from the 1st day of July, 1879, until the expiration of the first fiscal quarter, after the adjournment of the next General Assembly; and that there be and are hereby appropriated the further sums of eleven thousand six hundred and fifty dollars (\$11,650) for enlarging the domestic building for the accommodation of the employees, and extending the covered passage ways; nine thousand two hundred and seventy-five dollars (\$9,275) for the erection of work shops; four thousand five hundred and twenty-five dollars (\$4,525) for altering and repairing the old boilers and putting in one new boiler; twelve hundred dollars (\$1200) for the erection of a cow stable; twenty thousand dollars (\$20,000) for finishing steam-heating, plumbing, and furnishing the basement under the main building and wings; nine hundred and eighty dollars (\$980) for the erection of an ice house; four hundred and fifty-five dollars (\$455) for the construction of a soap house; one thousand dollars (\$1,000) for laying and furnishing pipe to coal shaft to provide a supply of water in case of emergency; and two thousand dollars (\$2,000) for the construction of four cisterns for rain water.

§ 2. The Auditor of Public Accounts is hereby authorized and required to draw his warrant on the State Treasurer for the said sums, upon orders of the Board of Trustees of the Illinois Asylum for Feeble Minded Children, signed by the president and attested by the secretary of said board, with the seal of the asylum.

1. Introduced by Mr. Mayfield, Jan. 29, 1879, and ordered to first reading.
2. First reading Jan. 29, and referred to Committee on State Charitable Institutions.
3. March 6, reported back with amendments, passage recommended, and referred to Committee on Appropriations.
4. March 19, reported back with amendments, passage recommended, and ordered to second reading.
5. April 10, second reading, amended and ordered to third reading.

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## A BILL

For an Act making appropriations for the Illinois Asylum for Feeble Minded Children

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SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General*  
2 *Assembly, That for the purpose of defraying the ordinary expenses of the Illinois*  
3 *Asylum for Feeble Minded Children, the sum of forty-six thousand dollars (\$46,000)*  
4 *for the first year, and fifty-four thousand dollars (\$54,000) for the second year, be and*  
5 *and the same is hereby appropriated out of the State treasury, payable quarterly in*  
6 *advance, from the first day of July, 1879, until the expiration of the first fiscal quarter,*  
7 *after the adjournment of the next General Assembly; and that there be and are hereby*  
8 *appropriated the further sums of four thousand five hundred and twenty-five dollars*  
9 *(\$4,525) for altering and repairing the old boilers and putting in one new boiler; ten*  
10 *thousand dollars (\$10,000) for finishing steam-heating, plumbing and furnishing the*  
11 *basement under the main building and wings; nine hundred and eighty dollars (\$980)*  
12 *for the erection of an ice house; two hundred and fifty dollars (\$250) for the construc-*  
13 *tion of a soap house; one thousand dollars (\$1,000) for sinking another well and put-*  
14 *ting a pump in the same, to provide a supply of water in case of emergency; and one*  
15 *thousand dollars (\$1,000) for the construction of four cisterns for rain water; for repairs,*  
16 *two thousand five hundred dollars (\$2,500) per annum; for improvement of grounds,*  
17 *five hundred dollars (\$500) per annum.*

§ 2. The Auditor of Public Accounts is hereby authorized and required to draw  
his warrant on the State Treasurer for the said sums, upon orders of the board of  
trustees of the Illinois Asylum for Feeble Minded Children, signed by the president  
and attested by the secretary of said board, with the seal of the asylum.

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(In House.)

1. Reported to House April 19, 1879.
2. First reading April 19, and referred to Committee on Appropriations.
3. Reported back with amendments, passage recommended and ordered to second
4. reading May 10

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Amendments to Senate Bill No. 129 offered by Committee on Appropriations May 10, 1879.

Amend, section 1, by striking out the words and figures "ten thousand dollars (\$10-  
2 000)" in fifteenth line of written bill and insert in lieu thereof the words and figures  
3 "five thousand dollars (\$5,000.)"

Amend same section by striking out the words and figures "one thousand dollars  
5 (\$1,000)" in twenty-third line of written bill and insert in lieu thereof the words and  
6 figures "five hundred dollars (\$500.)"

Amend, same section by striking out the words and figures "two thousand five hundred  
8 dollars (\$2,500)" in twenty-fifth line of written bill and insert in lieu thereof the words  
9 and figures "two thousand dollars (\$2,000.)"

W. B. TAYLOR, Clerk.

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## A BILL

For an act making appropriations for the Illinois Asylum for Feeble Minded Children.

---

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General*  
2 *Assembly, That for the purpose of defraying the ordinary expenses of the Illinois*  
3 *Asylum for Feeble Minded Children, the sum of forty-six thousand dollars (\$46,000)*

4 for the first year, and fifty-four thousand dollars (\$54,000) for the second year, be and  
 5 the same is hereby appropriated out of the State treasury, payable quarterly in advance,  
 6 from the first day of July, 1879, until the expiration of the first fiscal quarter, after the  
 7 adjournment of the next General Assembly; and that there be and are hereby appro-  
 8 priated the further sums of four thousand five hundred and twenty-five dollars (\$4,525)  
 9 for altering and repairing the old boilers and putting in one new boiler; ten thousand  
 0 dollars (\$10,000) for finishing steam-heating, plumbing and furnishing the basement  
 11 under the main building and wings; nine hundred and eighty dollars (\$980) for the  
 12 erection of an ice house; two hundred and fifty dollars (\$250) for the construction of a  
 13 soap house; one thousand dollars (\$1,000) for sinking another well and putting a pump  
 14 in the same, to provide a supply of water in case of emergency; and one thousand  
 15 dollars (\$1,000) for the construction of four cisterns for rain water; for repairs, two  
 16 thousand five hundred dollars (\$2,500) per annum; for improvement of grounds, five  
 17 hundred dollars (\$500) per annum.

8 § 2. The Auditor of Public Accounts is hereby authorized and required to draw  
 2 his warrant on the State Treasurer for the said sums, upon orders of the Board of  
 3 trustees of the Illinois Asylum for Feeble Minded Children, signed by the president  
 4 and attested by the secretary of said board, with the seal of the asylum.

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(In House.)

1. Reported to House April 19, 1879.
  2. First Reading April 19, and referred to Committee on Appropriations.
  3. Reported back with Amendments, Passage Recommended and ordered to Second Reading May 10, 1879.
  4. Second Reading, Amended and ordered to Third Reading May 21, 1879.
- 

(Amendment to Senate Bill No. 129, offered and adopted May 20.

In line 3 of section 1 strike out the words and figures "\$46,000" and insert "\$44,000", and in line 4 of the same section strike out the words and figures "\$54,000" and insert "\$52,000".

W. B. TAYLOR, Clerk.





1. Introduced by Mr. Bonfield Jan. 29, 1879, and ordered to first reading.
2. First reading Jan. 29, 1879, and referred to Committee on State Charitable Institutions.
3. Reported back with amendments, passage recommended and ordered to second reading March 6, 1879, and referred to Committee on Appropriations.
4. March 7, reported back with amendments, passage recommended.

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Amendments to Senate Bill 130, reported from Committee on State Charitable Institutions  
and Appropriations.

SECTION 1. Amend item for ordinary expenses by substituting for words "forty-five  
2 thousand dollars (\$45,000)," the words "forty thousand dollars (\$40,000)," and for  
3 words "eighty thousand dollars (\$80,000)," substitute the words "seventy thousand  
4 dollars (\$70,000)."

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A BILL

For An Act making an appropriation for the ordinary expenses of the Illinois Eastern  
Hospital for the Insane, at Kankakee.

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SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General*  
2 *Assembly, That there be, and hereby is, appropriated for the ordinary expenses of the*  
3 *Illinois Eastern Hospital for the Insane, at Kankakee, for one year from July 1st, 1879,*

4 the sum of forty-five thousand dollars (\$45,000), and from the first of July, 1880, at the  
5 rate of eighty thousand dollars (\$80,000) per annum, until the expiration of the first  
6 fiscal quarter after the adjournment of the next General Assembly ; the moneys herein  
7 appropriated to be payable quarterly in advance, in the manner now provided by law.

1. Introduced by Mr. Bonfield, January 29, and ordered to first reading.
2. First reading January 29, and referred to Committee on State Charitable Institutions.
3. Reported back with amendments, passage recommended and ordered to second reading March 6, and referred to Committee on Appropriations.
4. March 7, reported back with amendments, passage recommended.
5. April 4, second reading, amended and ordered to third reading.

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### A BILL

For an act making an appropriation for the ordinary expenses of the Illinois Eastern  
Hospital for the Insane, at Kankakee.

---

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General*  
2 *Assembly,* That there be and hereby is appropriated for the ordinary expenses of the  
3 Illinois Eastern Hospital for the Insane, at Kankakee, for one year from July 1st, 1879,  
4 the sum of forty thousand dollars (\$40,000), and from the first of July, 1880, at the  
5 rate of sixty thousand dollars (\$60,000) per annum until the expiration of the first  
6 fiscal quarter after the adjournment of the next General Assembly—the moneys herein  
7 appropriated to be payable quarterly in advance, in the manner now provided for by  
8 law.



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(In House.)

1. Reported to House April 19, 1879.
2. First reading April 19, and referred to Committee on Appropriations.
3. Reported back with amendments, passage recommended, and ordered to second reading April 29.

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Amendment to Senate Bill No. 130, by Committee on Appropriations, April 25, 1879.

Amendment one by striking out the word and figures "forty (40)," and insert in its lieu thereof the word and figures "thirty (30)."

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### A BILL

For an act making an appropriation for the ordinary expenses of the Illinois Eastern Hospital for the Insane, at Kankakee.

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SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly, That there be and hereby is appropriated for the ordinary expenses of the Illinois Eastern Hospital for the Insane, at Kankakee, for one year from July 1st, 1879, the sum of forty thousand dollars (\$40,000), and from the first of July, 1880, at the rate of sixty thousand dollars (\$60,000) per annum until the expiration of the first fiscal quarter after the adjournment of the next General Assembly—the moneys herein appropriated to be payable quarterly in advance, in the manner now provided for by law.*



1. Introduced by Mr. Callon Jan. 30, 1879, and ordered to first reading.
  2. First reading Feb. 1, 1879, and referred to Committee on State Charitable Institutions.
  3. March 6, 1879, reported back with amendments, passage recommended, and referred to Committee on Appropriations.
  4. March 14, 1879, reported back with amendments, and passage recommended and ordered to second reading.
- 

Amendments to Senate Bill No. 133, reported from the Committee on State Charitable Institutions, and Committee on Appropriations.

- Amend section 1, item for ordinary expenses by substituting for words "ninety-two thousand five hundred (\$92,500) dollars per annum" the words "seventy-six thousand dollars (\$76,000) for the first year, and eighty thousand dollars (\$80,000) for the second year."
- Amend section 1, item "five hundred (\$500) dollars for the pupils' library" by inserting "per annum" after "dollars."
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## A BILL

For an act for the support of the Illinois Institution for the Education of the Deaf and Dumb, and for general repairs thereon, and for the Pupils' Library.

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- SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That for the purpose of defraying the ordinary expenses of the Illinois Institution for the Education of the Deaf and Dumb, the sum of ninety-two thousand five hundred (\$92,500) dollars per annum, be and the same is hereby appropriated out of the State Treasury, payable quarterly in advance, from the first day of July, 1879, until the expiration of the first fiscal quarter after the adjournment of the next General Assembly; and that there be and are hereby appropriated the further sums of three thousand



8 (\$3,000) dollars per annum for repairs and improvements, and five hundred (\$500) dol-  
9 lars for the pupils' library, from the first day of July, 1879, till the expiration of the  
10 first fiscal quarter after the adjournment of the next General Assembly.

§ 2. The Auditor of Public Accounts is hereby authorized and required to draw his  
3 warrant on the Treasurer for the said sums upon orders of the board of trustees of the  
4 Illinois Institution for the Education of the Deaf and Dumb, signed by the president  
5 and attested by the secretary of said board, with the seal of the Institution, accompan-  
6 ied by such vouchers and certificates as are now required by law, for drawing funds  
7 from the treasury by said Institution.

1. Introduced by Mr. Callon January 30, and ordered to first reading.
2. First reading February 1, and referred to Committee on State Charitable Institutions.
3. March 6, reported back with amendments, passage recommended, and referred to Committee on Appropriations.
4. March 14, reported back with amendments, passage recommended and ordered to second reading.
5. April 8, second reading, amended and ordered to third reading.

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## A BILL

For an act for the support of the Illinois Institution for the Education of the Deaf and Dumb, and for general repairs thereon, and for the Pupils' Library.

---

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That for the purpose of defraying the ordinary expenses of the Illinois Institution for the Education of the Deaf and Dumb, the sum of seventy-six thousand dollars (\$76,000) for the first year, and eighty thousand dollars (\$80,000), for the second year, be and the same is hereby appropriated out the State Treasury, payable quarterly in advance, from the first day of July, 1879, until the expiration of the first fiscal quarter after the adjournment of the next General Assembly; and that there be and are hereby appropriated the further sums of three thousand dollars (\$3,000) per annum, for repairs and improvements, and five hundred dollars, (\$500) per annum, for pupils' library, from the first day of July, 1879, till the expiration of the first fiscal quarter after the adjournment of the next General Assembly.

§ 2. The Auditor of Public Accounts is hereby authorized and required to draw his warrant on the Treasurer for the said sums upon orders of the board of trustees of the Illinois Institution for the Education of the Deaf and Dumb, signed by the president

4 and attested by the secretary of said board, with the seal of the institution, accompan-  
5 ied by such vouchers and certificates as are now required by law, for drawing funds  
6 from the treasury by said institution.

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(In House.)

1. Reported to House April 19, 1879.
2. First reading April 19, and referred to Committee on Appropriations.
3. Reported back, passage recommended, and ordered to second reading April 26.

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### A BILL

For an act for the support of the Illinois Institution for the Education of the Deaf and Dumb, and for general repairs thereon, and for the Pupils' Library.

---

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly, That for the purpose of defraying the ordinary expenses of the Illinois Institution for the Education of the Deaf and Dumb, the sum of seventy-six thousand dollars (\$76,000) for the first year, and eighty thousand dollars (\$80,000), for the second year, be and the same is hereby appropriated out of the State treasury, payable quarterly in advance, from the first day of July, 1879, until the expiration of the first fiscal quarter after the adjournment of the next General Assembly; and that there be and are hereby appropriated the further sums of three thousand dollars (\$3,000) per annum, for repairs and improvements, and five hundred dollars (\$500) per annum, for pupils' library, from the first day of July, 1879, till the expiration of the first fiscal quarter after the adjournment of the next General Assembly.*

§ 2. The Auditor of Public Accounts is hereby authorized and required to draw his warrant on the Treasurer for the said sums upon orders of the board of trustees of the

3 Illinois Institution for the Education of the Deaf and Dumb, signed by the president  
4 and attested by the secretary of said board, with the seal of the institution, accompanied  
5 by such vouchers and certificates as are now required by law, for drawing funds from  
6 the treasury by said institution.

---

(In House.)

1. Reported to House April 19, 1879.
  2. First reading April 19, and referred to Committee on Appropriations.
  3. Reported back, passage recommended, and ordered to second reading April 28.
  4. Second reading, amended and ordered to third reading, May 15.
- 

Amendment to Senate Bill No. 133, offered and adopted May 15, 1879.

Amend lines 3 and 4 of section 1, by striking out the words and figures "seventy-six  
2 thousand dollars (\$76,000) for the first year, and eighty thousand dollars (\$80,000)," and  
3 insert "seventy-two thousand and one hundred dollars (\$72,100), and seventy-six thou-  
4 sand and one hundred dollars (\$76,100)."

W. B. TAYLOR, Clerk.

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## A BILL

For an Act for the support of the Illinois Institution for the Education of the Deaf and  
Dumb, and for general repairs thereon, and for the Pupils' Library.

---

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General*  
2 *Assembly, That for the purpose of defraying the ordinary expenses of the Illinois Insti-*  
3 *tution for the education of the Deaf and Dumb, the sum of seventy-six thousand dol-*  
4 *lars (\$76,000) for the first year, and eighty thousand dollars (\$80,000) for the second*  
5 *year, be and the same is hereby appropriated out of the State Treasury, payable quar-*  
6 *terly in advance, from the first day of July, 1879, until the expiration of the first fiscal*  
7 *quarter after the adjournment of the next General Assembly; and that there be and*

8 are hereby appropriated the further sums of three thousand dollars (\$3,000) per annum,  
9 for repairs and improvements, and five hundred dollars (\$500) per annum, for pupils'  
10 library, from the first day of July, 1879, till the expiration of the first fiscal quarter  
11 after the adjournment of the next General Assembly.

§ 2. The Auditor of Public Accounts is hereby authorized and required to draw his  
2 warrant on the Treasurer for the said sums, upon orders of the board of trustees of the  
3 Illinois Institution for the Education of the Deaf and Dumb, signed by the president  
4 and attested by the secretary of said board, with the seal of the institution, accompa-  
5 nied by such vouchers and certificates as are now required by law, for drawing funds  
6 from the treasury by said institution.

1. Introduced by Mr. Callon, January 30, 1879, and ordered to first reading.
  2. First reading February 1, 1879, and referred to Committee on State Charitable Institutions.
  3. March 6, 1879, reported back with amendments, passage recommended and referred to Committee on Appropriations.
  4. March 20, 1879, reported back with amendments, passage recommended and ordered to third reading.
- 

Amendments to Senate Bill 134, reported from the Committee on State Charitable Institutions, and Committee on Appropriations.

Amend section one by striking out all after the words "General Assembly," in the third line, to the end of the eighth line.

Amend section one by striking out items "three thousand (\$3000) dollars for the erection of a new horse barn," and "three thousand (\$3000) dollars for the erection of a cow barn."

Amend (section one) item "four thousand (\$4000) dollars for the purchase of land," by substituting two thousand dollars (\$2000) for the purchase of the two front lots."

Amend section one by striking out item "three hundred and twenty-five (\$325) dollars for placing a stone floor in the boiler-room."

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## **A BILL**

For an act for the purchase of land, and for the erection of laundry, barns and fire-escapes, for the Illinois Institution for the Education of the Deaf and Dumb, and for special repairs on said Institution.



SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That for the purpose of erecting a laundry for the Illinois Institution for the Education of the Deaf and Dumb, the sum of five thousand (\$5000) dollars is hereby appropriated out of the treasury; and that there be and are hereby appropriated to the said institution the further sums of one thousand five hundred (\$1500) dollars for the construction of fire-escapes, three thousand (\$3000) dollars for the erection of a new horse barn, three thousand (\$3000) dollars for the erection of a cow barn, four thousand (\$4000) dollars for the purchase of land, one thousand four hundred and seventy-nine (\$1479) dollars for the purchase of a new boiler, three hundred and twenty five (\$325) dollars for placing a stone floor in the boiler-room, and two thousand (\$2000) dollars for changing the present barn into a cottage.

§ 2. The Auditor of Public Accounts is hereby authorized and required to draw his warrant on the Treasurer for the said sums, upon the orders of the Board of Trustees of the Illinois Institution for the Education of the Deaf and Dumb, signed by the president, and attested by the secretary of said board with the seal of the institution, accompanied by such vouchers and certificates as are required by law for the drawing of funds from the treasury by said institution.

1. Introduced by Mr. Callon, January 30, 1879, and ordered to first reading.
2. First reading February 1, 1879, and referred to Committee on State Charitable Institutions.
3. March 6, 1879, reported back with amendments, passage recommended and referred to Committee on Appropriations.
4. March 20, 1879, reported back with amendments, passage recommended and ordered to second reading.
5. Second reading April 11, amended and ordered to third reading.]

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## A BILL

For an act for the purchase of land, and for the erection of laundry, barns and fire-escapes, for the Illinois Institution for the Education of the Deaf and Dumb, and for special repairs on said Institution.

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SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That there be and is hereby appropriated to the said institution the sums of one thousand five hundred dollars (\$1,500) for the construction of fire-escapes, two thousand dollars (\$2,000) for the purchase of two front lots, one thousand four hundred and seventy-nine dollars (\$1,479) for the purchase of a new boiler, and two thousand dollars (\$2,000) for changing the present barn into a cottage, and two thousand dollars (\$2,000) to repair the damage to the building occasioned by the late fire, and two thousand dollars (\$2,000) to defray the expense of putting thermostats in the building.

§ 2. The Auditor of Public Accounts is hereby authorized and required to draw his warrant on the Treasurer for the said sums, upon the orders of the Board of Trustees of the Illinois Institution for the Education of the Deaf and Dumb, signed by the president, and attested by the secretary of said board with the seal of the institution, accompanied by such vouchers and certificates as are required by law for the drawing of funds from the treasury by said institution.



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(In House.)

1. Reported to House April 19, 1879.
2. First reading April 19, and referred to Committee on Appropriations.
3. Reported back with amendments, passage recommended and ordered to second reading May 1.

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Amendment to Senate Bill No. 134, offered by Committee on Appropriations, May 1, 1879.

Amend by inserting after the word "cottage," in eleventh (11) line of section 1 of  
3 written bill, the following: "And five thousand dollars for building a laundry."

W. B. TAYLOR, Clerk.

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## A BILL

For an Act for the purchase of land, and for the erection of laundry, barns and fire-escapes,  
for the Illinois Institution for the Education of the Deaf and Dumb, and for special  
repairs on said Institution.

---

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General*  
2 *Assembly,* That there be and is hereby appropriated to the said institution the sums of  
3 one thousand five hundred dollars (\$1,500) for the construction of fire escapes, two thou-  
4 sand dollars (\$2,000) for the purchase of two front lots, one thousand four hundred and  
5 seventy-nine dollars (\$1,479) for the purchase of a new boiler, and two thousand dollars  
6 (\$2,000) for changing the present barn into a cottage, and two thousand dollars (\$2,000)  
7 to repair the damage to the building occasioned by the late fire, and two thousand dol-  
8 lars (\$2,000) to defray the expense of putting thermostats in the building.

§ 2. The Auditor of Public Accounts is hereby authorized and required to draw his  
warrant on the Treasurer for the said sums, upon the orders of the board of trustees of  
the Illinois Institution for the Education of the Deaf and Dumb, signed by the presi-  
dent, and attested by the secretary of said board with the seal of the institution, accom-  
panied by such vouchers and certificates as are required by law for the drawing of funds  
from the treasury by said institution.

1. Introduced by Mr. Callon, January 30, 1879, and ordered to first reading.
2. First reading January 31, 1879, and referred to Committee on Judiciary.
3. Reported back, passage recommended, and ordered to second reading February 12, 1879.

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## A BILL

For An Act for the better regulation of the business of Insurance, and for the protection of the citizens of this State, in their dealings with Insurance Companies.

---

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*; It shall not be lawful for any insurance company, association or partnership incorporated by, or organized under the laws of any other State of the United States, or of any foreign government for the purpose of insuring against loss or damages by fire or against the risks of inland navigation or transportation, or for the purpose of life insurance, or for the purpose of insuring persons against accidents, to take risks or to transact any business whatever, authorized by its charter, until it shall have complied with the following requirements, in addition to those already imposed by existing law; It shall first file with the Auditor of public accounts a written application for a license to do business in this State, duly signed by its president and secretary, with its corporate seal attached, which statement shall contain the following declaration: That it desires to transact the business of Insurance in this State, that it will accept a license therefor according to the laws of this State, and that said license shall cease and terminate in case, and whenever, it shall remove, or make application to remove into any United States Court, any action or proceeding, commenced in any of the State Courts, of this State, upon any claim or cause of action arising out of any business transaction, in fact, done in this State; any permission, consent, agreement, condition or provision, incorporated in any contract, mortgage, note, bond, obligation or policy of insurance, authorizing or consenting to such removal to the contrary notwithstanding.

§ 2. Upon complying with the requirements of section one (1) of this act together

2 with all other requirements now imposed by existing law, the Auditor of Public Ac-  
 3 counts shall issue to such incorporated company, association or partnership a license to  
 4 transact its business in this State, and no such license shall be issued until all of said  
 5 requirements shall have been complied with; and no such incorporated company, as-  
 6 sociation or partnership shall carry on the business for which it may have been incor-  
 7 porated, within this State, until it shall have obtained such license. The fee for such  
 8 license shall be the same as that provided for by existing law, to be paid by the incor-  
 9 porated company, association or partnership so securing such license.

§ 3. If any such incorporated company, association or partnership shall remove,

2 or make application to remove into any United States Court, any action or proceeding  
 3 commenced in any State Court of this State upon a claim or cause of action arising  
 4 out of any business or transaction in fact, done in this State, although there may have  
 5 been a stipulation authorizing such removal, or if it shall violate, or fail to comply  
 6 with, any of the other requirements or conditions now imposed by existing law, it is  
 7 hereby made the imperative duty of the Auditor of Public Accounts, at once, to re-  
 8 voke, cancel and annul the license issued to such incorporated company, association or  
 9 partnership; and thereafter no such incorporated company, association or partnership  
 10 shall transact within this State any of the business for which it was incorporated, un-  
 11 til again duly licensed.

12 In case such revocation of license shall be made because of the removal of, or the at-  
 13 tempt to remove any action from a State Court of this State to any United States Court,  
 14 no renewal of such license shall be made within three years after such revocation.

15 Whenever any such license shall be revoked, the Auditor of Public Accounts shall  
 16 give notice of such revocation by mail, to the President and Secretary of such corpor-  
 17 ation, and shall also cause a notice of the same to be published three times in some  
 18 weekly public newspaper published in the City of Springfield. A certified copy of  
 19 the order of removal, shall be sufficient evidence of the removal of any cause.

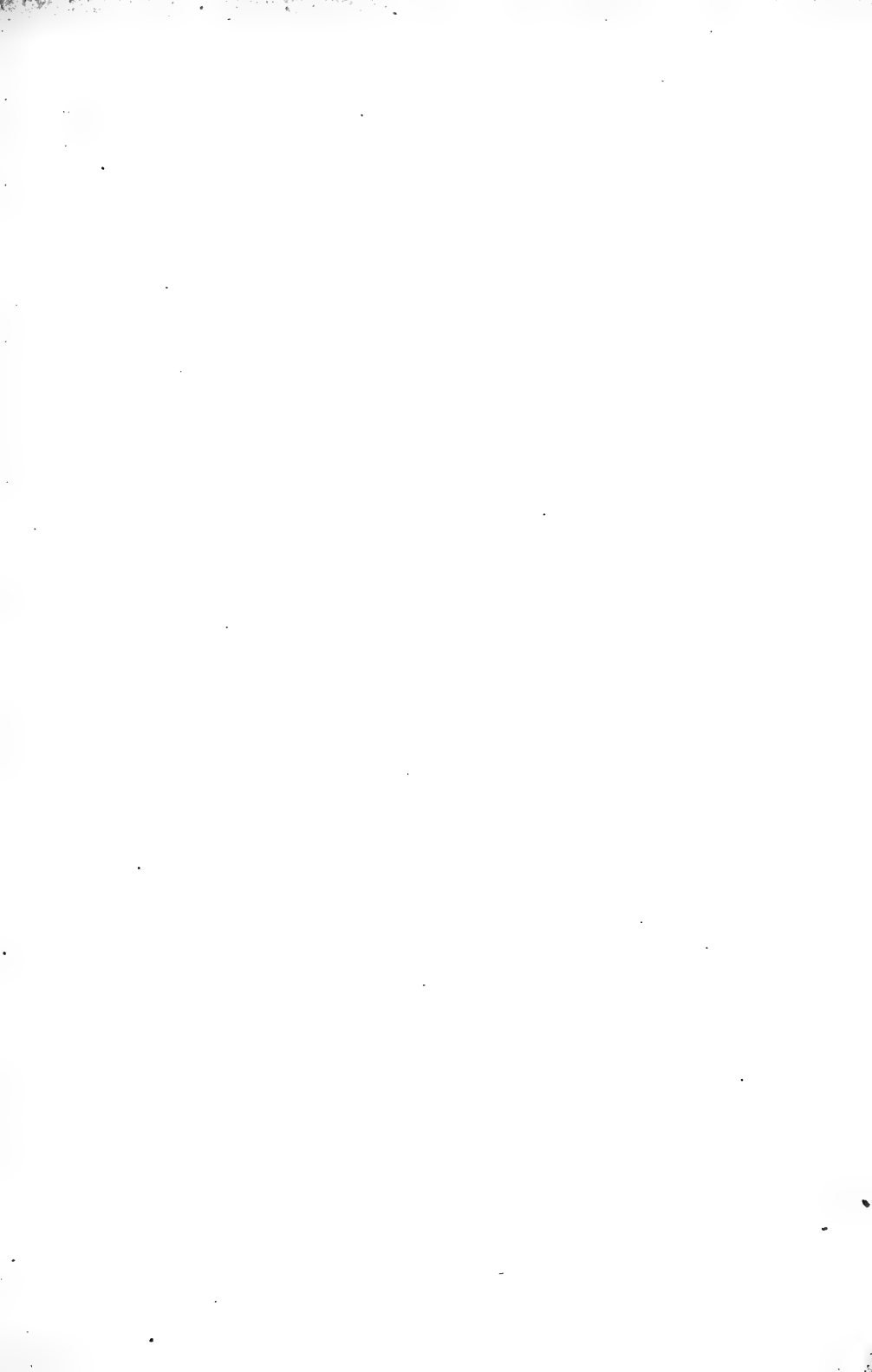
§ 4. Any such incorporated company, association or partnership which shall trans-

2 act its business in this State in violation of the provisions of this act, shall, together  
 3 with the agent or agents so unlawfully transacting said business, be subject to a pen-  
 4 alty of five hundred dollars (\$500) to be sued for and recovered in the name of the

5 People of the State of Illinois, by the State's Attorney of the county in which such  
6 agent or agents may reside, and one-half of said penalty, when recovered, shall be paid  
7 into the treasury of said county, the other half to the informer of such violation: *Pro-*  
8 *vided, however,* That any company whose license may have been revoked as aforesaid,  
9 shall thereafter be permitted to transact such business as may be absolutely necessary  
10 to wind up its business in this State and none other; *Provided further,* That nothing  
11 in this act contained, shall be construed to prevent the filing of an information in the  
12 nature of a *quo warranto* against such corporations so violating the provisions of this  
13 act.

§ 5. All laws and parts of laws in conflict with the provisions of this act, are here-  
2 by repealed.





1. Introduced by Mr. Callon, Jan. 30, 1879, and ordered to first reading.
2. First reading Jan. 31, 1879, and referred to Committee on Judiciary.
3. Reported back, passage recommended, and ordered to second reading February 12, 1879.
4. Feb. 22, 1879, second reading, amended and ordered to third reading.

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### A BILL

For An act for the better regulation of the business of Insurance, and for the protection of the citizens of this State, in their dealings with Insurance Companies.

---

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, It shall not be lawful for any insurance company, association or partnership incorporated by, or organized under the laws of any other State of the United States, or of any foreign government, for the purpose of insuring against loss or damage by fire, or against the risks of inland navigation or transportation, or for the purpose of life insurance, or for the purpose of insuring persons against accidents, to take risks or to transact any business whatever, authorized by its charter, within this State, until it shall have complied with the following requirements, in addition to those already imposed by existing law: It shall first file with the Auditor of Public Accounts a written application for a license to do business in this State, duly signed by its president and secretary, with its corporate seal attached, which statement shall contain the following declaration: That it desires to transact the business of insurance in this State, that it will accept a license therefor according to the laws of this State, and that said license shall cease and terminate in case, and whenever it shall remove, or make application to remove into any United States Court any action or proceeding, commenced in any of the State Courts of this State, upon any claim or cause of action arising*

ing out of any business transaction, in fact, done in this State; any permission, consent, agreement, condition or provision, incorporated in any contract, mortgage, note, bond, obligation or policy of insurance, authorizing or consenting to such removal, to the contrary notwithstanding.

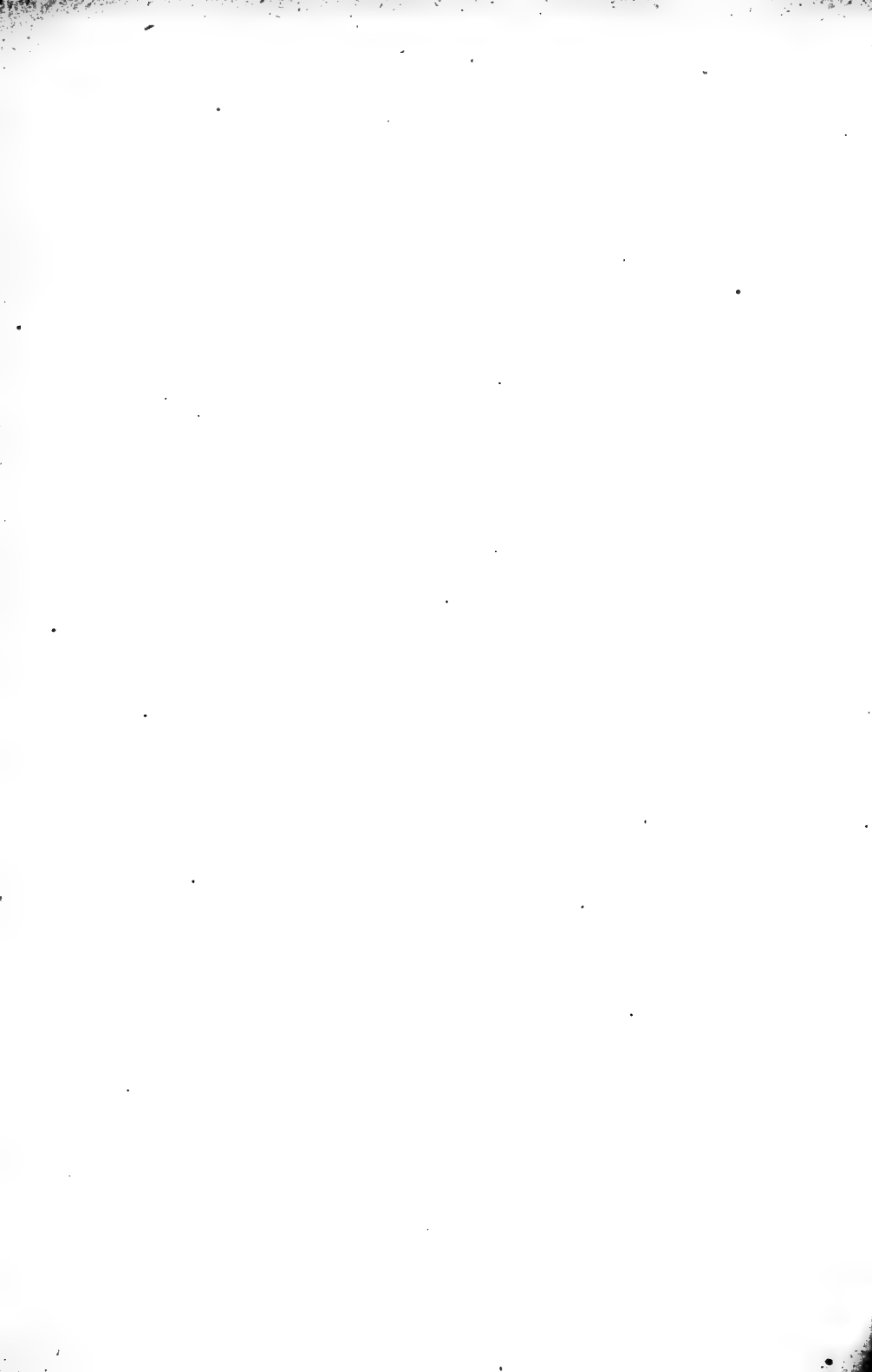
§ 2. Upon complying with the requirements of section one (1) of this act, together with all other requirements now imposed by existing law, the Auditor of Public Accounts shall issue to such incorporated company, association or partnership a license to transact its business in this State; and no such license shall be issued until all of said requirements shall have been complied with; and no such incorporated company, association or partnership shall carry on the business for which it may have been incorporated, within this State, until it shall have obtained such license. The fee for such license shall be the same as that provided for by existing law, to be paid by the incorporated company, association or partnership so securing such license.

§ 3. If any such incorporated company, association or partnership shall remove, or make application to remove into any United States Court, any action or proceeding commenced in any State Court of this State, upon a claim or cause of action arising out of any business or transaction in fact, done in this State, although there may have been a stipulation authorizing such removal; or if it shall violate, or fail to comply with any of the other requirements or conditions now imposed by existing law, it is hereby made the imperative duty of the Auditor of Public Accounts at once to revoke, cancel and annul the license issued to such incorporated company, association or partnership; and thereafter no such incorporated company, association or partnership shall transact, within this State, any of the business for which it was incorporated, until again duly licensed. In case such revocation of license shall be made because of the removal of, or the attempt to remove any action from a State Court of this State to any United States Court, no renewal of such license shall be made within three years after such revocation. Whenever any such license shall be revoked, the Auditor of Public Accounts shall give notice of such revocation by mail, to the president and secretary of such corporation, and shall also cause a notice of the same to be published three times in some weekly public newspaper published in the city of Springfield. A certified copy of the order of removal shall be sufficient evidence of the removal of any cause.

§ 4. Any such incorporated company, association or partnership which shall trans-

2 act its business in this State in violation of the provisions of this act, shall, together  
3 with the agent or agents so unlawfully transacting said business, jointly and severally,  
4 be subject to a penalty of five hundred dollars (\$500), to be sued for and recovered in  
5 the name of the People of the State of Illinois, by the State's Attorney of the county  
6 in which such agent or agents may reside, and one-half of said penalty, when recovered,  
7 shall be paid into the treasury of said county, the other half to the informer of such  
8 violation: *Provided, however*, that any company whose license may have been revoked  
9 as aforesaid, shall thereafter be permitted to transact such business as may be abso-  
10 lutely necessary to wind up its business in this State and none other: *Provided, further*,  
11 that nothing in this act contained, shall be construed to prevent the filing of an infor-  
12 mation in the nature of a *quo warranto* against such corporations so violating the pro-  
13 visions of this act.

§ 5. All laws and parts of laws in conflict with the provisions of this act, are here-  
2 by repealed.



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(In House.)

1. Reported to House March 6, 1879.
2. First reading March 22, 1879, and referred to Committee on Judiciary.
3. Reported back, passage recommended, and ordered to second reading March 27, 1879.

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### A BILL

For an act for the better regulation of the business of Insurance, and for the protection of the citizens of this State, in their dealings with Insurance Companies.

---

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly*, It shall not be lawful for any insurance company, association or partnership incorporated by, or organized under the laws of any other State of the United States, or of any foreign government, for the purpose of insuring against loss or damage by fire, or against the risks of inland navigation or transportation, or for the purpose of life insurance, or for the purpose of insuring persons against accidents, to take risks or to transact any business whatever, authorized by its charter, within this State, until it shall have complied with the following requirements, in addition to those already imposed by existing law: It shall first file with the Auditor of Public Accounts a written application for a license to do business in this State, duly signed by its president and secretary, with its corporate seal attached, which statement shall contain the following declaration: That it desires to transact the business of insurance in this State, that it will accept a license therefor according to the laws of this State, and that said license shall cease and terminate in case, and whenever it shall remove, or make application to remove into any United States Court any action or proceeding, commenced in any of the State Courts of this State, upon any claim or cause of action arising out of any business transaction, in fact, done in this State; any permission, consent,

18 agreement, condition or provision, incorporated in any contract, mortgage, note, bond,  
 19 obligation or policy of insurance, authorizing or consenting to such removal, to the  
 20 contrary notwithstanding.

§ 2. Upon complying with the requirements of section one (1) of this act, together  
 2 with all other requirements now imposed by existing law, the Auditor of Public  
 3 Accounts shall issue to such incorporated company, association or partnership, a license  
 4 to transact its business in this State; and no such license shall be issued until all of said  
 5 requirements shall have been complied with; and no such incorporated company, asso-  
 6 ciation or partnership shall carry on the business for which it may have been incorpor-  
 7 ated within this State, until it shall have obtained such license. The fee for such  
 8 license shall be the same as that provided for by existing law, to be paid by the incor-  
 9 porated company, association or partnership so securing such license.

§ 3. If any such incorporated company, association or partnership shall remove, or  
 2 make application to remove into any United States Court, any action or proceeding  
 3 commenced in any State Court of this State, upon a claim or cause of action arising  
 4 out of any business or transaction in fact, done in this State, although there may have  
 5 been a stipulation authorizing such removal; or if it shall violate, or fail to comply  
 6 with any of the other requirements or conditions now imposed by existing law, it is  
 7 hereby made the imperative duty of the Auditor of Public Accounts at once to revoke,  
 8 cancel and annul the license issued to such incorporated company, association or part-  
 9 nership; and thereafter no such incorporated company, association or partnership shall  
 10 transact within this State, any of the business for which it was incorporated, until  
 11 again duly licensed. In case such revocation of license shall be made because of the  
 12 removal of, or the attempt to remove any action from a State Court of this State to any  
 13 United States Court, no renewal of such license shall be made within three years after  
 14 such revocation. Whenever any such license shall be revoked, the Auditor of Public  
 15 Accounts shall give notice of such revocation by mail, to the president and secretary of  
 16 such corporation, and shall also cause a notice of the same to be published three times  
 17 in some weekly public newspaper published in the city of Springfield. A certified  
 18 copy of the order of removal shall be sufficient evidence of the removal of any cause.

§ 4. Any such incorporated company, association or partnership which shall trans-  
 2 act its business in this State in violation of the provisions of this act, shall, together

3 with the agent or agents so unlawfully transacting said business, jointly and severally,  
4 be subject to a penalty of five hundred dollars (\$500), to be sued for and recovered in  
5 the name of the people of the State of Illinois, by the State's Attorney of the county  
6 in which such agent or agents may reside, and one-half of said penalty, when recovered,  
7 shall be paid into the treasury of said county, the other half to the informer of such  
8 violation: *Provided, however,* that any company whose license may have been revoked  
9 as aforesaid, shall thereafter be permitted to transact such business as may be abso-  
10 lutely necessary to wind up its business in this State and none other: *Provided, further,*  
11 that nothing in this act contained, shall be construed to prevent the filing of an infor-  
12 mation in the nature of a *quo warranto* against such corporations so violating the pro-  
13 visions of this act.

§ 5. All laws and parts of laws in conflict with the provisions of this act, are hereby  
2 repealed.





(In House.)

1. Reported from House March 6, 1879.
2. First reading March 22, and referred to Committee on Judiciary.
3. April 14 reported back, passage recommended, ordered to second reading, and referred to Committee on Insurance.
5. April 17 reported back with amendments, passage recommended and ordered to second reading.

Amendments to Senate Bill No. 135, offered by Committee on Insurance.

Amend Section one (1) by striking out all after the word "claim" in sixteenth line of printed bill, and insert in lieu thereof the words "arising out of any contract of insurance, unless the assured, for a valuable consideration, authorize and consent to such removal."

Amend section three (3) of printed bill by striking out all after the word "claim" in the third line of section three (3), and all of the fourth line, and all of the fifth line to the first "or," and insert in lieu thereof the words "arising out of any contract of insurance, unless such removal be authorized as aforesaid"

Amend section four (4), line two (2), printed bill, by striking out all after the word "shall," to and including the word "severally" in line three of section four.

Amend section four (4), line six (6), printed bill, by striking out the words "agent or agents may reside," and insert in lieu thereof "transaction occurred."

Amend section three (3) by inserting after the word "made" in line thirteen of printed bill, the words "until such company shall fully comply with all the provisions of this law," and strike out after the word "made," in thirteenth line, the words "within three years after such revocation."

Amend section four (4), line six (6), printed bill, by striking out all after the word "reside," down to and including the word "violation" in line eight, and insert instead thereof the following: "and said penalty, when recovered, shall be paid into the State Treasury."

## A BILL

For an Act for the better regulation of the business of insurance, and for the protection of the citizens of this State in their dealings with insurance companies.

---

Section 1. *Be it enacted by the People of the State of Illinois, represented in the General*

2 *Assembly,* It shall not be lawful for any insurance company, association or partnership  
3 incorporated by, or organized under, the laws of any other State of the United States,  
4 or of any foreign government for the purpose of insuring against loss or damage by  
5 fire or against the risks of inland navigation or transportation, or for the purpose of  
6 life insurance, or for the purpose of insuring persons against accidents, to take risks or  
7 to transact any business, whatever, authorized by its charter, within this State, until  
8 it shall have complied with the following requirements, in addition to those already  
9 imposed by existing law: It shall first file with the Auditor of Public Accounts a  
10 written application for a license to do business in this State, duly signed by its presi-  
11 dent and secretary, with its corporate seal attached, which statement shall contain the  
12 following declaration: that it desires to transact the business of Insurance in this State,  
13 that it will accept a license therefor according to the laws of this State, and that said  
14 license shall cease and terminate in case, and whenever it shall remove, or make appli-  
15 cation to remove into any United States Court, any action or proceeding commenced  
16 in any of the State courts, of this State, upon any claim or cause of action arising out  
17 of any business transaction, in fact, done in this State; any permission, consent, agree-  
18 ment, condition or provision, incorporated in any contract, mortgage, note, bond, obli-  
19 gation or policy of insurance authorizing or consenting to such removal to the con-  
20 trary notwithstanding.

§ 2. Upon complying with the requirements of section one (1) of this act, together  
2 with all other requirements now imposed by existing law, the Auditor of Public Ac-  
3 counts shall issue to such incorporated company, association or partnership, a license  
4 to transact its business in this State, and no such license shall be issued until all of said

requirements shall have been complied with and no such incorporated company, association or partnership shall carry on the business for which it may have been incorporated within this State, until it shall have obtained such license. The fee for such license shall be the same as that provided for by existing law, to be paid by the incorporated company, association or partnership, so securing such license.

§ 3. If any such incorporated company, association or partnership shall remove, or make application to remove, into any United States Court any action or proceeding commenced in any State Court in this State, upon a claim or cause of action arising out of any business or transaction, in fact, done in this State, although there may have been a stipulation authorizing such removal, or if it shall violate or fail to comply with any of the other requirements or conditions now imposed by existing law, it is hereby made the imperative duty of the Auditor of Public Accounts at once to revoke, cancel and annul the license issued to such incorporated company, association or partnership; and thereafter no such incorporated company, association or partnership shall transact within this State any of the business for which it was incorporated, until again duly licensed. In case such revocation of license shall be made because of the removal of, or the attempt to remove, any action from a State court of this State to any United States Court, no renewal of such license shall be made within three years after such revocation. Whenever any such license shall be revoked, the Auditor of Public Accounts shall give notice of such revocation, by mail, to the president and secretary of such corporation, and shall also cause a notice of the same to be published three times in some weekly, public newspaper published in the city of Springfield. A certified copy of the order of removal shall be sufficient evidence of the removal of any cause.

§ 4. Any such incorporated company, association or partnership, which shall transact its business in this State in violation of the provisions of this act, shall, together with the agent or agents so unlawfully transacting said business, jointly and severally, be subject to a penalty of five hundred dollars (\$500) to be sued for and recovered in the name of the people of the State of Illinois, by the State's attorney of the county in which such agent or agents may reside, and one-half of said penalty, when recovered, shall be paid into the treasury of said county; the other half to the informer of such violation: *Provided, however, that any company whose license may have been revoked*

9 as aforesaid, shall thereafter be permitted to transact such business as may be absolutely  
10 necessary to wind up its business in this State and none other: *Provided, further*, that  
11 nothing in this act contained shall be construed to prevent the filing of an information  
12 in the nature of a quo warranto against such corporations, so violating the provisions  
13 of this act.

§ 5. All laws and parts of laws in conflict with the provisions of this act are hereby  
2 repealed.

1. Introduced by Mr. Joslyn, January 30, 1879, and ordered to first reading.
2. First reading February 1, 1879, and referred to Committee on Railroads.
3. Reported back, March 8, 1879, with recommendation it be printed, and ordered to second reading.

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### A BILL

For an Act to amend an act entitled "An Act to establish a Board of Railroad and Warehouse Commissioners, and prescribe their powers and duties," approved April 13, 1871.

---

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That sections one and four of an act entitled "An Act to establish a Board of Railroad and Warehouse Commissioners, and prescribe their powers and duties," approved April 13, 1871, be amended so as to read as follows:

SECTION. 1. That a commission which shall be styled "Railroad and Warehouse Commission," shall be appointed as follows: Within twenty days after this act shall take effect, the Governor shall appoint three persons as such commissioners, who shall hold their office until the next meeting of the General Assembly, and until their successors are appointed and qualified. At the next meeting of the General Assembly, the Governor, by and with the advice and consent of the Senate, shall appoint three persons as such commissioners, one of whom shall hold his office for the term of two years, one for the term of four years, and one for the term of six years, from the first day of January in the year of their appointment, and until their successors are appointed and qualified, and biennially thereafter, as the term of each of said commissioners shall expire, his successor shall be appointed as above for the term of six years.

§ 4. Each of said commissioners shall receive for his services a sum not exceeding twenty-five hundred dollars per annum, payable quarterly. They shall be furnished with an office, office furniture and stationery, at the expense of the State, and shall have power to appoint a secretary to perform such duties as they shall assign to him; said sec-

5 retary shall receive for his services a sum not exceeding fifteen hundred dollars per  
6 annum. The office of the said commissioners shall be kept at Springfield, and all sums  
7 authorized to be paid by this act shall be paid out of the State Treasury, and only on  
8 the order of the Governor: *Provided*, that the total sum to be expended by said com-  
9 missioners for office rent and furniture and stationery shall, in no case, exceed the total  
10 sum of eight hundred dollars per annum.

1. Introduced by Mr. Joslyn, January 30, 1879, and ordered to first reading.
2. First reading February 1, and referred to Committee on Railroads.
3. Reported back March 8, with recommendation it be printed, and ordered to second reading.
4. Second reading, amended and ordered to third reading.

---

## A BILL

For an act to amend an act entitled "An Act to establish a Board of Railroad and Warehouse Commissioners, and prescribe their powers and duties," approved April 13, 1871.

---

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That sections one and four of an act entitled "An Act to establish a Board of Railroad and Warehouse Commissioners, and prescribe their powers and duties," approved April 13, 1871, be amended so as to read as follows:

SECTION 1. That a commission, which shall be styled "Railroad and Warehouse Commission," shall be appointed as follows: Within twenty days after this act shall take effect, the Governor shall appoint three persons as such commissioners, who shall hold their office until the next meeting of the General Assembly, and until their successors are appointed and qualified. At the next meeting of the General Assembly, the Governor, by and with the advice and consent of the Senate, shall appoint three persons as such commissioners, each of whom shall hold his office for the term of two years from the first day of January in the year of their appointment and until their successors are appointed and qualified; and biennially thereafter, as the term of each of said commissioners shall expire, his successor shall be appointed, as above, for the term of six years.

SECTION 4. Each of said commissioners shall receive for his services a sum not



2 exceeding two thousand dollars per annum, payable quarterly. They shall be furnished  
3 with an office, office furniture and stationery, at the expense of the State; that one of  
4 said commissioners shall be its secretary. The office of the said commissioners shall  
5 be kept at Springfield, and all sums authorized to be paid by this act shall be paid out  
6 of the State treasury, and only on the order of the Governor: *Provided*, that the total  
7 sum to be expended by said commissioners for office rent and furniture, clerk hire and  
8 stationery, shall in no case exceed the total sum of eight hundred dollars per annum.  
9 No money shall be paid for attorney fees out of the treasury for services for said com-  
10 missioners.

- 
1. Introduced by Mr. Frantz Jan. 30, 1879, and ordered to first reading.
  2. First reading Feb. 1, 1879, and referred to Committee on Judiciary.
  3. Reported back Feb. 11, 1879, and recommended it be ordered to second reading, and it was so ordered.

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## A BILL

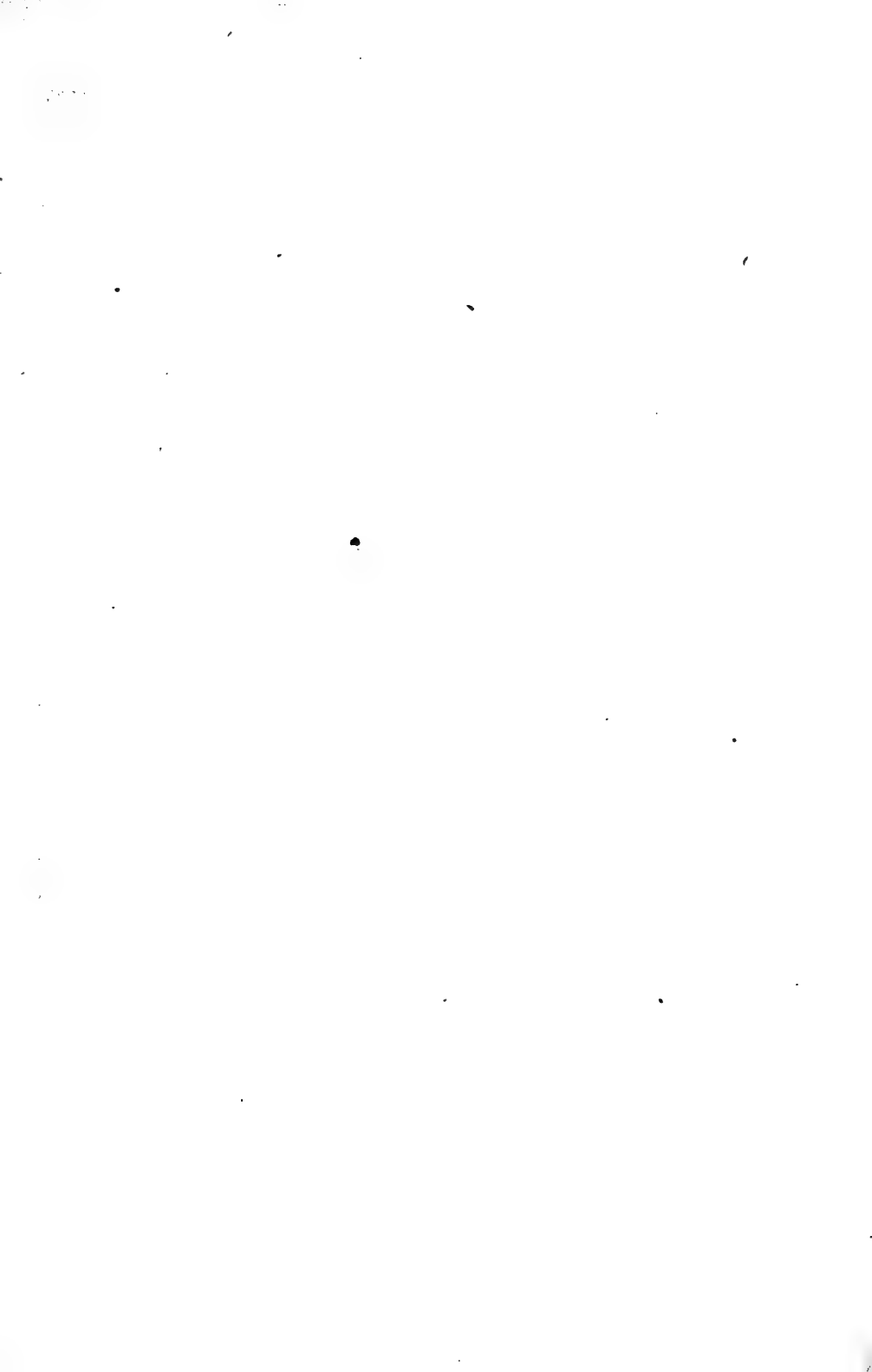
For an act to amend section twenty-one of an act entitled, "An act in regard to elections, and to provide for filling vacancies in elective offices," approved April 3, 1872; in force July 1, 1872.

§

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SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That section twenty-one of an act entitled, "An act in regard to elections, and to provide for filling vacancies in elective offices," approved April 3, 1872; in force July 1, 1872, be amended so as to read as follows:

SECTION 21. The County Treasurer shall be elected on Tuesday next after the first Monday of November, in the year of our Lord 1878, and every two years thereafter, and shall be ineligible to hold said office for two years next after the end of the term for which he was elected.



1. Reported from Senate Feb. 27, 1879.
2. First reading March 3, 1879, and ordered to second reading.

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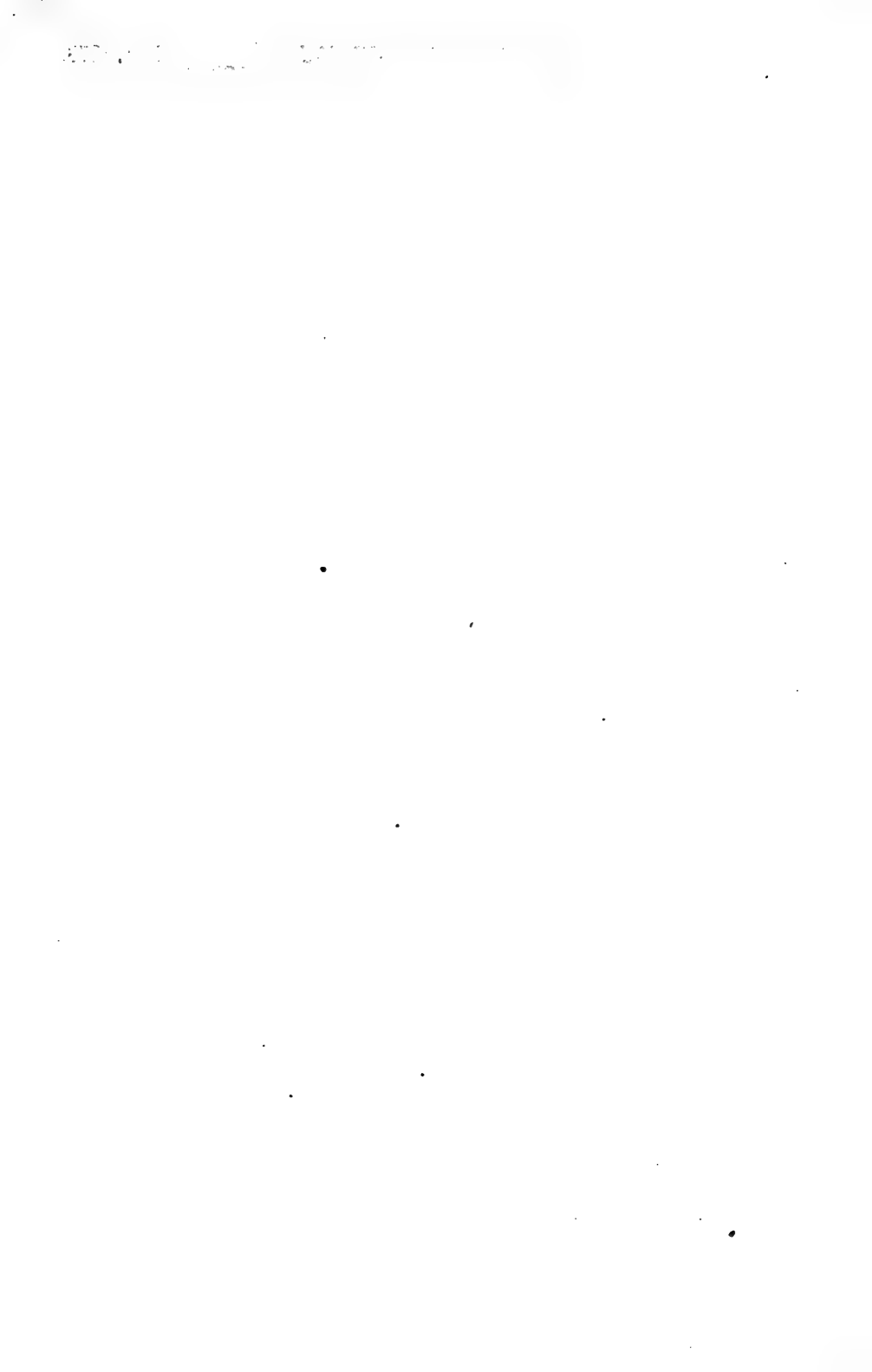
## A BILL

For an act to amend section twenty-one of an act entitled "An Act in regard to elections, and to provide for filling vacancies in elective offices," approved April 3, 1872; in force July 1, 1872.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly, That section twenty-one of an act entitled "An Act in regard to elections and to provide for filling vacancies in elective offices," approved April 3, 1872; in force July 1, 1872, be amended so as to read as follows:*

"SECTION 21. The county treasurer shall be elected on Tuesday next after the first Monday of November, in the year of our Lord 1873, and every two years thereafter, and shall be ineligible to hold said office for two years next after the end of the term for which he was elected."



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(In House.)

1. Reported to House February 26, 1879.
2. First reading March 3, and ordered to a second reading.
3. March 3, referred to Committee on Judiciary.
4. Reported back, passage recommended, and ordered to second reading March 14.
5. Second reading, amended and ordered to third reading April 29.

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Amendment to Senate Bill No. 139, adopted April 29, 1879.

Amend by striking out the figures "1873" in line 2 of section 31, and insert in lieu thereof the figures "1879."

W. B. TAYLOR, Clerk.



1. Introduced by Mr. Fuller January 30, 1879, and ordered to first reading.
2. First reading February 1. 879, and referred to Committee on Miscellaneous.
3. Reported back, passage recommended, and ordered to second reading February 19, 1879.

## A BILL

For an act to encourage the cultivation and protection of fishes within the State of Illinois.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That it shall be unlawful for any person or persons to catch or kill any fish, except minnows, in or upon any of the rivers, creeks, streams, ponds, lakes, sloughs, bayous, or other water courses running through or wholly within the State of Illinois, with any seine, net, weir, or other device other than with hook and line, from the first day of March to the first day of June, in each and every year.

§ 2. That it shall be unlawful for any person or persons, at any time, to catch or kill any fish in or upon any of the creeks, streams, ponds, lakes, sloughs, bayous or other water courses within the State of Illinois, by the use of lime, acid, or any medical or chemical compound or explosive.

§ 3. Whenever complaint shall be made to any Justice of the Peace in any county of this State, that any person or persons have, within such county, violated any of the foregoing sections of this act, the said Justice of the Peace shall issue his warrant directed to the Sheriff or any Constable of such county authorizing and commanding him forthwith to arrest and bring before him, or in his absence before some other



Justice of the Peace within such county, the person or persons alleged to have been guilty of violating any of the foregoing sections.

§ 4. Whenever any person or persons shall be brought before any Justice of the Peace in the manner provided for in this act, for a violation of any of the preceding sections of this act, it shall be the duty of such Justice of the Peace to hear and determine the complaint made against such person or persons in a summary manner.

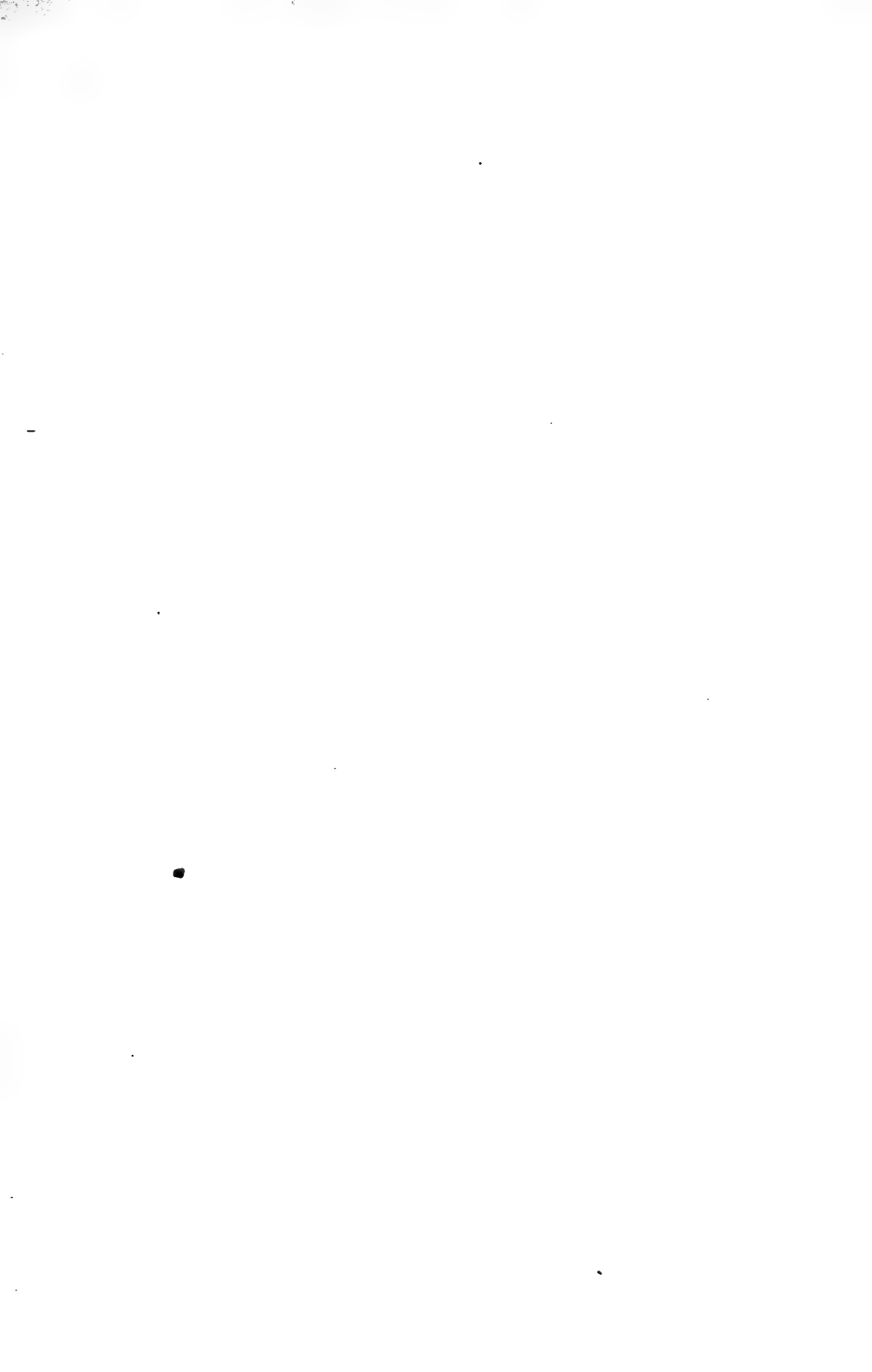
§ 5. Any person or persons found guilty of violating any of the preceding sections of this act, shall each be fined by the Justice before whom such offense shall be tried, in a sum not less than ten nor more than fifty dollars and costs of such proceeding for the first offense, and for a second or subsequent offense, such fine may be increased to an amount not exceeding one hundred dollars and costs.

§ 6. Any person or persons trespassing upon the enclosed lands of another without the consent of the owner, for the purpose of fishing, shall be deemed guilty of a misdemeanor, and fined in a sum not more than ten dollars and costs of such proceeding: *Provided*, All fish grown in artificial ponds are hereby declared to be personal property, and any person taking any fish from any such ponds, without authority of the owner, shall be guilty of larceny.

§ 7. All suits commenced under this act shall be in the name of the People of the State of Illinois, and when any judgment shall be rendered against any person or persons offending against any of the preceding sections of this act, execution shall issue forthwith on such judgment, and the Sheriff or Constable to whom the same may be directed, shall pay one-half of all monies collected on such execution in payment of such judgment to the person who shall have made such complaint, and the remaining half of all such monies to the Superintendent of Schools of the county wherein such offense shall have been committed and such judgment rendered, when the same shall form a part of the common school fund of such county.

§ 8. For the purpose of enforcing the provisions of this act, it is hereby declared that if any execution issued as provided for in this act shall be returned not satisfied the justice issuing the same, shall issue his warrant to the Sheriff or any Constable of such county, commanding him to take, carry, and deliver the person or persons, against whom such execution may have issued, to the jailer of such county, who shall receive such person or persons into his custody, and commit him or them to the common jail

7 of such county for a period of twenty-four hours for every five dollars of such fine and  
8 costs: *Provided*, Such person or persons so arrested, may at any time be discharged  
9 upon the payment of any such fine and costs.



1. Introduced by Mr. Fuller January 30, 1879, and ordered to first reading.
2. First reading February 1, 1879, and referred to Committee on Miscellaneous.
3. Reported back, passage recommended, and ordered to second reading February 19, 1879.
4. March 14, second reading; amended, and ordered to third reading.

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## A BILL

For an act to encourage the cultivation and protection of fishes within the State of Illinois.

---

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That it shall be unlawful for any person or persons to catch or kill any fish, except minnows, in or upon any of the rivers, creeks, streams, ponds, lakes, sloughs, bayous, or other water courses running through or wholly within the State of Illinois, with any seine, net, wire, or other device other than with hook and line, from the first day of March to the first day of June, in each and every year: *Provided,* that it shall be unlawful for any person to catch or take any fish other than small fish for bait, with any net, seine, wire, basket, trap, or any other device whatever, except with a hook and line, or spear, within one-half mile of any dam constructed across any of the rivers of this State.

§ 2. That it shall be unlawful for any person or persons, at any time, to catch or kill any fish in or upon any of the creeks, streams, ponds, lakes, sloughs, bayous or other water courses within the State of Illinois, by the use of lime, acid, or any medical or chemical compound or explosive.

§ 3. Whenever complaint shall be made to any Justice of the Peace in any county

of this State, that any person or persons have, within such county, violated any of the foregoing sections of this act, the said Justice of the Peace shall issue his warrant directed to the Sheriff or any Constable of such county authorizing and commanding him forthwith to arrest and bring before him, or in his absence before some other Justice of the Peace within such county, the person or persons alleged to have been guilty of violating any of the foregoing sections.

§ 4. Any person or persons found guilty of violating any of the preceding sections of this act shall be fined in a sum not less than ten nor more than fifty dollars and costs of such proceedings for the first offense, and for a second or subsequent offense such fine may be increased to an amount not exceeding one hundred dollars and costs.

§ 5. Any person or persons trespassing upon the enclosed lands of another without the consent of the owner, occupant, or agent, for the purpose of fishing, shall be deemed guilty of a misdemeanor, and fined in a sum not more than ten dollars and costs of such proceeding: *Provided*, all fish grown in artificial ponds are hereby declared to be personal property, and any person taking any fish from any such ponds without authority of the owner, shall be guilty of larceny.

§ 6. All suits commenced under this act shall be in the name of the People of the State of Illinois, and when any judgment shall be rendered against any person or persons offending against any of the preceding sections of this act, execution shall issue forthwith on such judgment, and the Sheriff or Constable to whom the same may be directed, shall pay one-half of all monies collected on such execution in payment of such judgment to the person who shall have made such complaint, and the remaining half of all such moneys to the Superintendent of Schools of the county wherein such offense shall have been committed and such judgment rendered, when the same shall form a part of the common school fund of such county.

§ 7. For the purpose of enforcing the provisions of this act, it is hereby declared that if any execution issued as provided for in this act shall be returned not satisfied, the justice issuing the same shall issue his warrant to the Sheriff or any Constable of such county, commanding him to take, carry, and deliver the person or persons, against whom such execution may have issued, to the jailor of such county, who shall receive such person or persons into his custody, and commit him or them to the common jail of

7 such county for a period of twenty-four hours for every five dollars of such fine and  
8 costs: *Provided*, such person or persons so arrested, may at any time be discharged  
9 upon the payment of such fine and costs.



1. Introduced by Mr. Lee January 30, 1879, and ordered to first reading.
2. First reading February 1, 1879, and referred to Committee on Corporations.
3. Reported back March 7, 1879, with recommendation to be printed, and ordered to second reading. - So ordered.

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## A BILL

For an act to enable Associations of Persons to become a Body Corporate, to raise funds,  
to be loaned only among their members.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly,* That whenever any number of persons, not less than five, may desire to become incorporated as a mutual savings, loan and homestead loan association, for the purpose of building and improving homesteads, they shall make a statement to that effect, under their hands, and duly acknowledged before some officer in the manner provided for the acknowledgement of deeds, setting forth the name of the proposed corporation, its capital stock, its location and duration of the corporation, which statement shall be filed in the office of the Secretary of State. The Secretary of State shall thereupon issue to such persons a license, as commissioners, to open books for subscription to the capital stock of said corporation, at such time and place as they may determine; but no license shall be issued to two associations having the same name.

§ 2. As soon as one hundred shares or more of the capital stock shall be subscribed, the commissioners shall convene a meeting of the subscribers for the purpose of electing directors, adopting a charter and by-laws, and the transaction of such other business as shall come before them. Notice thereof shall be given by depositing in the post-office, properly addressed to each subscriber, at least ten days before the time fixed, a written or printed notice, stating the object, time and place of such meeting. Directors of corporations organized under this act shall be elected, classified and hold their office for such period of time as is provided for by general law governing the election and classification of directors, trustees or managers of corporations.



§ 3. The commissioners shall make a full report of their proceedings, including therein a copy of the notice provided for in the foregoing section, a copy of the subscription list, a copy of the charter and by-laws adopted by the association, and the names of the directors elected and their respective terms of office, which report shall be sworn to by at least a majority of the commissioners, and shall be filed in the office of the Secretary of State. The Secretary of State shall thereupon issue a certificate of the complete organization of the corporation, making a part thereof a copy of all papers filed in his office, in and about the organization of the corporation, and duly authenticated under his hand and seal of State; and the same shall be recorded in a book for that purpose in the office of the recorder of deeds in the county in which the principal office of such company is located. Upon the recording of said copy the corporation shall be deemed fully organized and may proceed to business. Unless such company shall be organized and shall proceed to business, as provided in this act, within two years after the date of such license, the license shall be deemed revoked, and all proceedings thereunder void.

§ 4. Corporations formed under this act shall be bodies corporate and politic for the period for which they are organized; may sue and be sued; may have a common seal which they may alter or renew at pleasure.

§ 5. The corporate powers shall be exercised by a board of directors: *Provided*, the number of directors shall not be increased or diminished, or their term of office changed without the consent of the owners of two-thirds of the shares of stock. The officers of the company shall consist of a president, vice president, secretary and treasurer, and such other officers and agents as shall be provided for in the charter and by-laws of the association: *Provided*, that no loan shall be made by said corporation except to its own members, nor in any sum in excess of the amount of stock held by each member borrowing: *And, provided, further*, that no loan shall be made to exceed \$3,000, on any one piece of property.

§ 6. The shares of stock shall be one hundred dollars each, and shall be deemed personal property, and transferable upon the books of the company in such manner as may be provided by the by-laws, and subscriptions therefor shall be made payable to the corporation, and shall be payable in such periodical installments, and at such time or times as shall be determined by the charter and by-laws: and every share of stock be subject to a lien for the payment of unpaid installments and other charges incurred

7 thereon under the provisions of the charter and by-laws; and the by-laws may pre-  
 8 scribe the form and manner of enforcing such lien. New shares of stock may be issued  
 9 in lieu of the shares withdrawn and forfeited, and the stock may be issued in one or in  
 10 successive series, in such amount as the board of directors may determine; and any  
 11 stock holder wishing to withdraw from said corporation, shall have power to do so, by  
 12 giving thirty days notice of his or her intention to withdraw, when he or she shall be  
 13 entitled to receive the amount paid in by him or her, and its earnings, less all fines and  
 14 other charges: *Provided*, that at no time shall more than one-half of the funds in the  
 15 treasury of the corporation be applicable to the demands of withdrawing stockholders  
 16 without the consent of the board of directors, and that no stock-holder shall be entitled  
 17 to withdraw, whose stock is held in pledge for security. Upon the death of a stock-  
 18 holder, his or her legal representatives shall be entitled to receive the full amount paid  
 19 in by him or her on all shares not borrowed upon or pledged to the association as col-  
 20 lateral security and legal interest thereon, first deducting all charges that may be due  
 21 on the stock. No fines shall be charged to a deceased member's account from and after  
 22 his or her decease, unless the legal representatives of such decedent assumes the future  
 23 payment on the stock. But no person as owner or legal representative shall be allowed  
 24 to hold more than fifty shares of stock in any one series, nor may anyone as owner or legal  
 25 representative, or by proxy, vote at any election where stockholders are called upon to  
 26 vote, on more than fifty shares of stock.

§ 7. Full paid up shares of stock may be issued, subject to such rules and provisions  
 2 as may be determined by the charter and by-laws, drawing a fixed rate of interest, not  
 3 exceeding six per cent per annum; but such shares of stock shall not participate in the  
 4 profits of the association, more than that agreed upon at the time of issue.

§ 8. Married women may become subscribers to the capital stock of such association,  
 2 and hold, control and transfer their stock in all respects as *femmes sole*, and their stock  
 3 shall not be subject to the control of, or liable for the debts of, their husbands.

§ 9. The board of directors shall hold such stated meetings as may be provided by  
 2 the by-laws, at which the money in the treasury, if one hundred dollars or more, shall be  
 3 offered for loan in open meeting, and the stockholder who shall bid the highest premium  
 4 for the preference or priority of loan shall be entitled to receive a loan of one hundred  
 5 dollars for each share of stock held by said stockholder: *Provided*, that good and ample

6 security shall be given by the borrower to secure the repayment of the loan; but no loan  
 7 shall be made by said corporation except to its own members, nor in any sum in excess  
 8 of the amount of stock held by each member borrowing, and no loan shall be made to  
 9 exceed three thousand dollars on any one piece of property. In case the borrower  
 10 shall neglect to offer security, or shall offer security that is not approved by the board  
 11 of directors, by such time as the by-laws may prescribe, he or she shall be charged with  
 12 one month's interest, together with any expenses incurred, and the money shall be re-  
 13 sold at the next stated meeting. In case of non-payment of installments or interest by  
 14 borrowing stockholders, for the space of six months, payment of principal and interest,  
 15 without deducting the premium paid, or interest thereon, may be enforced by pro-  
 16 ceeding against their sureties according to law.

§ 10. The rate of interest shall not exceed seven and two-tenths per annum, but  
 2 the premium bid for priority of loan shall not be considered as interest under this  
 3 section.

§ 11. A borrower may repay a loan at any time, and in case of the repayment thereof  
 2 before the expiration of the tenth year after the issue of the series of stock upon which  
 3 the loan to be repaid was made, there shall be refunded to such borrower one-tenth of  
 4 the premium paid for every year of the said ten years then unexpired.

§ 12. No premiums, fines or interests on such premiums that may accrue to the  
 2 said corporation, according to the provisions of this act, shall be deemed usurious, and the  
 3 same may be collected as other debts of like amount may be collected by law in this  
 4 State; but fines shall not be cumulative, or to exceed a specified sum per share, each  
 5 month.

§ 13. No corporation or association created under this act shall cease or expire from  
 2 neglect on the part of the corporation to elect officers at the time mentioned in their  
 3 charter or by-laws; and all officers elected by such corporation shall hold their offices  
 4 until their successors are duly elected.

§ 14. Any loan or building association, incorporated by or under this act, is hereby  
 2 authorized and empowered to purchase at any sheriff's or other judicial sale, or at any  
 3 other sale, public or private, any real estate upon which such association may have or  
 4 hold any mortgage, judgment, lien or other incumbrance, or ground rent, or in which  
 5 said association may have an interest, and the real estate so purchased may be sold or

6 leased at pleasure to any person or persons whomsoever; but such real estate, purchased  
7 by said association, shall not be held in opposition to the provisions of section five (5)  
8 of the general act concerning corporations, approved April 18, 1872.

§ 15. Any corporation or association heretofore organized under any general law of  
2 this State for the purpose of raising and loaning money among its members, shall be  
3 vested with all powers given in this act, to associations organized under its provis-  
4 ions, and not conferred by the laws under which such corporations or associations have  
5 been organized.



1. Introduced by Mr. DeLany January 31, 1879, and ordered to first reading.
2. First reading February 1, 1879, and referred to Committee on Judiciary.
3. February 20, ordered printed for use of Committee.

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## A BILL

For an act in regard to practice and pleading in Courts of Record.

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SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General*

2 *Assembly,* That hereafter there shall be only three divisions of personal actions at law  
3 in the Courts of Record in this State :

4 *First.* Actions of contract, which shall include those heretofore known as actions  
5 of assumpsit, covenant and debt except for penalties.

6 *Second.* Actions of tort, which shall include those heretofore known as actions of  
7 trespass, trespass on the case, trover and all actions for penalties.

8 *Third.* Actions of replevin; but courts in replevin and trover may be joined in ac-  
9 tions of replevin by stating in the body of the declaration the following, or to the like  
10 effect: "That the defendant wrongfully took from the possession of the plaintiff, or  
11 wrongfully detains from the possession of the plaintiff, and wrongfully converted to his  
12 own use the goods of the plaintiff, that is to say (here describe the goods and state  
13 their value) and the plaintiff claims a return of said goods to his possession or their  
14 value, and                dollars                cents for their detention."

§ 2. It shall not be necessary to mention any form of action in any writ of sum-  
2 mons, except "action of contract," or "action of tort," or "action of replevin," as the  
3 case may be.

§ 3. Every declaration and other pleading shall be entitled of the proper court and  
2 of the term of court and day of the month and the year when the same was pleaded,

and shall bear no other time or date, and every declaration and other pleading shall also be entered in the records of the cause under the date of the day of the month and year when the same respectively took place, and without reference to any other time or date, unless otherwise specially ordered by the court.

§ 4. Every declaration shall commence in form as follows, or to the like effect :

STATE OF ILLINOIS, }  
 \_\_\_\_\_ COUNTY. } ss :

..... (Title of the Court.)

..... Term.

..... Date.

John Doe by John Smith, his attorney (or in person as the case may be) sues Richard Roe for (here state the cause of action in some one of the forms given in the schedule 'A' to this act annexed as "money lent by the plaintiff to the defendant," or as the case may be) and shall conclude as follows, or to like effect : "And the plaintiff claims \_\_\_\_\_ dollars \_\_\_\_\_ cents," (or if the action is brought to recover specific goods as in replevin). "The plaintiff claims a return of the said goods to his possession, or their value and \_\_\_\_\_ dollars \_\_\_\_\_ cents for their detention."

§ 5. In actions of libel and slander the plaintiff shall be at liberty to aver that the words or matter complained of, were used in a defamatory sense, specifying such defamatory sense without any prefatory averments to show how such words or matter were used in that sense, and such averment shall be put in issue by the denial of the alleged libel or slander; and where the words or matter set forth, with or without the alleged meaning, show a cause of action the declaration shall be sufficient.

§ 6. A party pleading in answer to any pleading, in which any document is mentioned, or referred to, shall be at liberty to set out the whole, or such part thereof as may be material, and the matter so set out, shall be deemed and taken to be a part of the pleading in which it is set out.

§ 7. Whereas certain causes of action may be considered to partake of the character, both of breaches of contract, and of wrongs, and doubts may arise as to the form of pleas in such actions, and it is expedient to preclude such doubts; any plea which shall be good in substance shall not be objectionable on the ground of its treating the declaration either as framed for a breach of contract, or, of a wrong.

§ 8. Express color shall no longer be necessary in any pleading. Neither shall special traverses be necessary in any pleading.

§ 9. In a plea or subsequent pleading it shall not be necessary to use any allegation of *actionem non*, or *actionem alterius non*, or any abbreviation thereof, or to the like effect, or any prayer of judgment, nor shall it be necessary in any replication or subsequent pleading, to use any allegation of *procludi non*, or to the like effect, or any prayer of judgment.

§ 10. All pleas, avowries and cognizances shall commence as follows, or to the like effect :

STATE OF ILLINOIS, }  
..... COUNTY. } ss.

.....(Title of Court.).....

.....(Term.).....

.....(Date.).....

“ The defendant by ....., his attorney, (or in person, as the case may be) says that (here state first defense). And it shall not be necessary to state in a record or other plea, or avowry, or cognizance, that it is pleaded by leave of the court, or according to the statute in such case made and provided, or to that effect, but every such record or other plea, avowry or cognizance shall be written in a separate paragraph and numbered, and shall commence as follows, or to the like effect : “ And for a second plea the defendant says that (here state second &c., defense) or, if pleaded to a part only, then as follows, or to the like effect, “ and for a second plea to ” (stating to what it is pleaded) “ the defendant says that ” (here state defense) and no formal conclusion shall be necessary to any plea, avowry, cognizance or subsequent pleading.

§ 11. A defendant may either traverse generally such of the facts contained in the declaration as might have been denied by one plea, or may select and traverse separately any material allegation in the declaration although it might have been included in general traverse.

§ 12. A plaintiff shall be at liberty to traverse the whole of any plea or subsequent pleading of the defendant by a general denial, or, admitting some part or parts thereof to deny all the rest, or to deny any one or more allegations.

§ 13. A defendant shall be at liberty in like manner to deny the whole, or part of a



2 replication, or subsequent pleading of the plaintiff.

§ 14. Either party may plead in answer to the plea or subsequent pleading of his  
2 adversary that he joins issue thereon, which joinder of issue may be as follows, or to  
3 the like effect :

4 "(Venue.)

5 .....(Title of Court.) .....

6 .....(Term.) .....

7 .....(Date.) .....

8 "The defendant joins issue upon the plaintiff's replication to the first (specifying what)  
9 plea. And such form of joinder of issue shall be deemed to be a denial of the sub-  
10 stance of the plea or other subsequent pleading, and an issue thereon.

§ 15. All statements in pleadings in personal actions, which need not be proved,  
2 such as the statement of time, quantity, quality and value, where these are immaterial,  
3 the statement of losing and finding, and bailment, in actions for goods or their value;  
4 the statement of acts of trespass having been committed with force and arms, and  
5 against the peace and dignity of the People of the State of Illinois, the statement of  
6 promises which need not be proved, as promises in indebitator's counts, and mutual  
7 promises to perform agreements, and all of a like kind, shall be omitted.

§ 16. No pleading shall be deemed insufficient for any defect which could hereto-  
2 fore only be objected to by special demurrer.

§ 17. The forms contained in the schedule (A) to this act annexed shall be sufficient  
2 in the statement of causes of action and forms of pleading in all courts of record in this  
3 State, and these and the like forms may be used with such modifications as may be  
4 necessary to meet the facts of the case; but nothing herein contained shall render it  
5 erroneous or irregular to depart from the letter of such forms, so long as the substance  
6 is expressed without prolixity.

§ 18. Nothing in this act contained shall be construed as in any way affecting any  
2 previous act in regard to practice in courts of record, except so far as the provisions of  
3 this act shall conflict with the provisions of any such former acts, in which case the  
4 the conflicting provisions of such former act or acts are hereby declared repealed.

# SCHEDULE A.

## FORMS OF PLEADINGS—STATEMENTS OF CAUSES OF ACTION ON CONTRACTS.

1st. Money payable by the defendant to the plaintiff for (these words: "money payable, etc., should precede money counts, like 1 to 14, but need only be inserted in the first) goods bargained and sold by the plaintiff to the defendant.

2nd. Work done and materials provided by the plaintiff for the defendant at his request.

3rd. Money lent by the plaintiff to the defendant.

4th. Money paid by the plaintiff for the defendant at his request.

5th. Money received by the defendant for the use of the plaintiff.

6th. Money found to be due from the defendant to the plaintiff on accounts stated between them.

7th. A message and lands sold and conveyed by the plaintiff to the defendant.

8th. The good will of a business of the plaintiff sold and given up by the plaintiff to the defendant.

9th. The defendants, by the plaintiffs' permission of messages and lands of the plaintiff.

10th. The defendant's use, by the plaintiff's permission, of a fishery.

11th. The hire of (as the case may be) by the plaintiff let to hire to the defendant.

12th. Freight for the conveyance by the plaintiff, for the defendant, at his request of goods in ships (or other mode of conveyance, as the case may be).

13th. The demurrage of a ship of the plaintiff kept on demurrage by the defendant.

14th. That the defendant on the      day of      A. D.      , by his promissory note, now overdue, a copy of which is herewith annexed, promised to pay to the plaintiff      dollars and      cents,      months after date, but did not pay the same.

15th. That one A on etc., (date) by his promissory note now overdue, promised to pay to the defendant or order      dollars and      cents,      months after date; and the defendant indorsed the same to the plaintiff; and the said note was duly presented for payment, and was dishonored, whereof the defendant had due notice, but did not pay the same.

16th. That the plaintiff on etc., (date) by his bill of exchange, now overdue, directed

2 to the defendant, required the defendant to pay to the plaintiff                    dollars  
3 and            cents,            months after date, and the defendant accepted said bill but did  
4 not pay the same.

17th. That the defendant on etc., (date) by his bill of exchange directed to A required  
2 A to pay to the plaintiff            dollars and            cents            months after date;  
3 and the said bill was duly presented for acceptance, and was dishonored, of which the  
4 defendant had due notice, but did not pay the same.

18th. That the plaintiff and defendant agreed to marry one another, and a reason-  
2 able time for such marriage has elapsed, and the plaintiff has always been ready and  
3 willing to marry the defendant, yet the defendant has neglected and refused to marry  
4 the plaintiff.

19th. That the plaintiff and defendant agreed to marry one another on a day now  
2 elapsed, and the plaintiff was ready and willing to marry the defendant on that day,  
3 yet the defendant neglected and refused to marry the plaintiff.

20th. That the defendant, by warranting a horse to be then sound and quiet to ride,  
2 sold the said horse to the plaintiff, yet the said horse was not then sound and quiet to  
3 ride.

21st. That the plaintiff and defendant agreed by charter party, that the plaintiff's  
2 ship, called the (name of vessel) should, with all convenient speed, sail to (name of  
3 place), or near thereto, as she could safely get, and that the defendant should there  
4 load her with a full cargo of tallow or other lawful merchandises, which she should  
5 carry to (name of place) and there deliver on payment of freight            dollars  
6 and            cents per ton, and that the defendant should be allowed ten days for  
7 loading and ten for discharge, and ten for demurrage, if required, at            dollars  
8 per day; and the plaintiff did all things necessary on his part to entitle him to have  
9 the agreed cargo loaded on board the ship at (name of place), and that the time for so  
10 doing has elapsed, yet the defendant made default in loading the agreed cargo.

22d. That the plaintiff let the defendant a house known as (describe the premises  
2 according to fact) for (length of term) to hold from the            day of            A. D.  
3 18    , at (amount of rent) a month (or other term, as the case may be) payable monthly  
4 (or as the case may be), of which rent            months are due and unpaid.

23d. That the plaintiff, by deed, let to the defendant a house (here describe the

2 premises) to hold for (length of term), from the       day of       A. D. 18 ,  
 3 and the defendant by said deed covenanted with the plaintiff well and substantially to  
 4 repair the said house during the said term (according to the covenant) yet the said  
 5 house was, during the term, out of good and substantial repair.

BY GRANTEE AGAINST GRANTOR IN A COMMON DEED OF WARRANTY, FOR BREACHES OF COVENANT.

24th. That the defendant delivered to him a deed, a copy whereof is hereunto  
 2 annexed; and the defendant was not seized in fee of a part of the land described as fol-  
 3 lows: (here describe the property), but the same was held adversely by one  
 4       , and the residue of said land was not free from encumbrance, but was sub-  
 5 ject to a mortgage to one       , to secure the payment of  
 6 dollars; and the defendant has not warranted and defended the premises against the  
 7 rightful claims of all persons, but one       had a right of dower  
 8 therein, and has compelled the plaintiff to assign the same to her.

ON AN AWARD.

25th. That the defendant, by his agreement in writing with the plaintiff, a copy  
 2 whereof is hereto annexed, referred the matters therein mentioned to arbitrators; and  
 3 the arbitrators have made an award thereon in writing, a copy whereof is hereto  
 4 annexed. (Here aver performance of condition by plaintiff when necessary to be  
 5 proved, and the non-performance by defendant, which is relied on.) (If it is for the  
 6 mere payment of money, aver as follows:) "and the defendant owes the plaintiff the  
 7 amount of said award."

ON A PROMISE TO PAY THE DEBT OF ANOTHER.

26th. That one E. F. owed him the sum of       for       ,  
 2 and the plaintiff was about to sue the said E. F., to recover the same. And in consid-  
 3 eration that the plaintiff would forbear to sue said E. F., the defendant made an agree-  
 4 ment in writing to pay the same to the plaintiff, a copy whereof is hereto annexed; and  
 5 the plaintiff did forbear to sue said E. F., and the defendant owes him said sum.

ON AN AGREEMENT TO CONVEY LAND.

27th. That the defendant made an agreement with the plaintiff in writing, a copy  
 2 whereof is hereto annexed; and on the       day of       the plaintiff

3 tendered to the defendant one hundred dollars, and also a note for four hundred dol-  
 4 lars (describing it), and a mortgage of said land, to secure the payment of said note,  
 5 and demanded of the defendant a conveyance of said land (following the terms of the  
 6 agreement.)

#### NON-DELIVERY OF GOODS SOLD.

28th. That he purchased of the defendant the following goods, viz:

2 , for the sum of one hundred dollars, to be paid therefor on  
 3 delivery thereof; and the defendant promised to deliver the same on the  
 4 day of , at the defendant's store, in ; and on said day the  
 5 plaintiff demanded said goods at said store, and tendered to the defendant said sum of  
 6 one hundred dollars in payment of the same; and the defendant refused to deliver the  
 7 same to plaintiff.

#### ON POLICIES OF INSURANCE—ON A SHIP FOR TOTAL LOSS.

29th. That the defendants made to him a policy of insurance, a copy of which is  
 2 hereunto annexed, for the sum of ten thousand dollars, on the ship John, against the  
 3 perils of the seas, and other perils therein mentioned, on a voyage from Boston to  
 4 Cadiz, in Spain, and at and from Cadiz to her port of discharge in the United States,  
 5 and while proceeding on said voyage, the ship was wrecked and totally lost by the  
 6 perils of the seas, and the defendants had notice of said loss on the day  
 7 of and were bound to pay the amount of said loss to the plaintiff  
 8 within sixty days after said notice, and the defendants owe the plaintiff therefor said  
 9 sum of ten thousand dollars. (On a ship for partial loss and contribution to general  
 10 salvage, state as in preceeding form to the description of the voyage inclusive).

30th. And in said policy the defendants agreed that in case of any loss or misfor-  
 2 tune to said ship, it should be lawful for the plaintiff and his agents to labor for and  
 3 in the defense and recovery of said ship, and that the defendants would contribute to  
 4 the charges thereof in proportion, as the sum assured by them should be to the whole  
 5 sum at risk; and while proceeding on said voyage said ship was, by the perils of the  
 6 seas, dismantled, and otherwise damaged in her hull, rigging and appurtenances, and it  
 7 was necessary for the preservation of said ship and her cargo, to throw over a part of  
 8 her cargo, and the same was thrown over for that purpose, and the plaintiff was

9 obliged to expend the sum of two thousand dollars for repairing said ship at Cadiz,  
 10 and the sum of five hundred dollars as a contribution for the loss occasioned by throw-  
 11 ing over a part of said cargo; and the ship suffered much other damage that was not  
 12 repaired at Cadiz, and the defendants had notice of said loss and charges on the  
 13 day of \_\_\_\_\_, and were bound by the terms of said policy to pay the same  
 14 within sixty days after such notice, and the defendants owe the plaintiff therefor the  
 15 sum of \_\_\_\_\_ dollars.

FOR A TOTAL LOSS OF CARGO BY FIRE.

3 st. That the defendants made to him a policy of insurance for the sum of ten  
 2 thousand dollars on the cargo of the brigantine William, against the perils of fire and  
 3 other perils therein mentioned, at and from Boston, and in a voyage from thence to  
 4 Hamburg, or any other port or ports in the North of Europe; and while said brig-  
 5 tine was proceeding on said voyage, the cargo was totally destroyed by fire, and the  
 6 defendants had notice of said loss on the \_\_\_\_\_ day of \_\_\_\_\_, and were  
 7 bound by the terms of said policy, to pay the plaintiff the amount of said loss; and the  
 8 defendants owe the plaintiff therefor, the sum of ten thousand dollars.

FOR WRONGS INDEPENDENT OF CONTRACT.

32nd. That the defendant broke and entered certain land of the plaintiff described  
 2 as follows, (description) and depastured the same with cattle.

33rd. That the defendant assaulted and beat the plaintiff, gave him into custody to  
 2 a policeman, and caused him to be imprisoned in a police office.

34th. That the defendant debauched and carnally knew the plaintiff's wife.

35th. That the defendant converted to his own use or wrongfully deprived the  
 2 plaintiff of the use and possession of the plaintiff's goods; that is, to say, iron hoops,  
 3 household furniture (or as the case may be).

36th. That the defendant detained from the plaintiff his (here describe the property).

37th. That the plaintiff was possessed of a mill, and by reason thereof was entitled  
 2 to the flow of a stream for working the same, and the defendant, by cutting the bank  
 3 of the said stream diverted the water thereof away from the said mill.

38th. That the plaintiff was the first and true inventor of a certain new manufac-  
 2 ture, that is, to say of "certain improvements in the manufacture of sulphuric acid,

3 (or, as the case may be) and thereupon letters patent were granted to the plaintiff by  
 4 the United States Government, giving him the sole privilege to make, use, exercise,  
 5 and vend the said invention within the United States for the term of        years from  
 6 the        day of       , A. D. 18   , (here state any condition imposed by the Govern-  
 7 ment in issuing such patent, if any, and the performance thereof by plaintiff) and the  
 8 defendant during the said term did infringe the said patent right.

39th. That the defendant falsely and maliciously spoke and published of the plain-  
 2 tiff the words following; that is, to say, "he is a thief," (if there be any special damage,  
 3 here state it with such reasonable particularity as to give notice to the defendant of the  
 4 peculiar injury complained of; for instance) whereby the plaintiff lost his situation as  
 5 gamekeeper in the employ of A.

#### COMMENCEMENT OF PLEA.

40th. The defendant by       , his attorney, (or in person) says (here state the sub-  
 2 stance of the plea).

41st. And for a second plea the defendant says (here state the second plea).

#### PLEAS IN ACTIONS ON CONTRACTS.

42nd. That he never was indebted as alleged (this plea is applicable to declarations  
 2 like those numbered 1 to 13).

43rd. That he did not promise as alleged (this plea is applicable to other declara-  
 2 tions, not on bills and notes such as those numbered 18 to 21. It would not be objec-  
 3 tionable to use, "did not warrant," "did not agree," or any other appropriate denial).

44th. That the alleged deed is not his deed.

45th. That the alleged cause of action did not accrue within five years (state the  
 2 period of limitation applicable to the case) before this suit.

46th. That before action he satisfied and discharged the plaintiff's claim by  
 2 payment.

47th. That the plaintiff, at the commencement of this suit was, and still is, indebted  
 2 to the defendant in an amount equal to the plaintiff's claim for (here state the cause of  
 3 set-off, as in a declaration; see forms ante), which amount the defendant is willing to  
 4 set off against the plaintiff's claim.

48th. That after the alleged claim accrued, and before this suit, the plaintiff, by  
 2 deed, released the defendant therefrom.

PLEAS TO PROMISSORY NOTES.

49th. That he did not make the promissory note mentioned in the plaintiff's decla-  
 2 ration (or specify the count of the declaration.)

50th. That as to the note mentioned in the count of the plaintiff's declaration,  
 2 he says that at the time of making the same he was a minor, under the age of twenty-  
 3 one years.

51st. That as to the contract mentioned in the count of the plaintiff's decla-  
 2 ration, he says that at the time of its execution he was kept in imprisonment by the  
 3 plaintiff, and executed the contract through the force of that imprisonment.

52d. That he has paid the note mentioned in the count of the plaintiff's decla-  
 2 ration, except the sum of fifty dollars, and before the plaintiff sued out his writ he ten-  
 3 dered to the plaintiff said sum of fifty dollars, and now brings the same into court for  
 4 the plaintiff.

53d. That he delivered to the plaintiff one wagon, which the plaintiff received in  
 2 full satisfaction of the note mentioned in the count of plaintiff's declaration.

54th. That at the term of the court, held, etc., the plaintiff  
 2 recovered judgment against the defendant for dollars and cents,  
 3 damages, and for costs; and that said judgment was rendered upon the  
 4 same cause of action mentioned in the plaintiff's first count.

PLEAS TO POLICIES OF INSURANCE.

55th. That he (they or it) denies, upon information and belief, that said loss was  
 2 actually total, and they deny that any abandonment was made.

56th. That he (they or it) denies, upon information and belief that said vessel was  
 2 seaworthy for the voyage in said policy mentioned in the inception of said voyage.

57th. That he (they or it) denies, upon information and belief, that said vessel was  
 2 lost while proceeding on the voyage in said policy described.

PLEAS IN ACTIONS FOR WRONGS INDEPENDENT OF CONTRACT.

58th. That he is not guilty.



59th. That he did what is complained of by the plaintiff's leave.

60th. That the plaintiff first assaulted the defendant, who thereupon necessarily committed the alleged assault in his own defense.

#### REPLEVIN AND TROVER.

61st. That he denies that the horse mentioned in the plaintiff's writ was the property of the plaintiff, and also denies that he converted the same to his own use.

62d. That he denies that the horse mentioned in the plaintiff's writ was or is the property of the plaintiff.

63d. That he admits that said horse is the general property of the plaintiff, but avers that the defendant has a special property therein by reason of his having attached the same as the plaintiff's property, by virtue of a writ (here describe the writ), which writ was delivered to the defendant, who then was a Sheriff (or other officer) in the said county of \_\_\_\_\_ for service, and the action is now pending; and so the defendant denies that he has converted said horse to his own use.

64th. That he denies that he made said representation, knowing the same was not true.

65th. That he denies that said horse was unsound, as stated in the plaintiff's declaration.

66th. That he denies that he made the representation mentioned in the plaintiff's declaration, and he says said colic was the defendant's property, and he had a right to sell the same.

67th. That he denies the plaintiff has a right of way as set forth in his declaration; and he denies that he obstructed said way as set forth in said declaration.

68th. That he denies that he accused the plaintiff of the crime of perjury as set forth in the \_\_\_\_\_ count of plaintiff's declaration.

69th. That the plaintiff did feloniously steal, take and carry away, ten dollars, the property of one \_\_\_\_\_ in the possession of said \_\_\_\_\_ being found, and converted the same to his own use, and so the plaintiff was guilty of the crime of theft, and the defendant's accusation was true.

70th. That the plaintiff was his apprentice, and deserted and ran away from him, and he retook the plaintiff and forcibly brought him back, using no more force than

8 was necessary; and as to the allegation that the defendant hurt and wounded the  
4 plaintiff, the defendant denies the same.

71st. That a part of the close mentioned in the plaintiff's declaration, was the soil  
2 and freehold of the defendant, the same being described as follows: And he denies  
3 that he broke or entered any part of said close, except the part above described.

72nd. That the defendant, at the time of the alleged trespass, was possessed of land,  
2 the occupiers whereof for twenty years before this suit, enjoyed as of right and with-  
3 out interruption a way on foot and with cattle from a public highway over the said  
4 land of the plaintiff to the said land of the defendant, and from the said land of the  
5 defendant over said land of the plaintiff to the said public highway, at all times of the  
6 year, for the more convenient occupation of the said land of the defendant, and that  
7 the alleged trespass was a use by the defendant of the said way.

73rd. That the defendant at the time of the alleged trespass, was possessed of land,  
2 the occupiers whereof for thirty years before this suit, enjoyed as of right and without  
3 interruption, common to pasture over the said land of the plaintiff for all their cattle,  
4 levant and couchant, upon the said land of the defendant, at all times of the year, as  
5 to the said land of the defendant appertaining, and that the alleged trespass was a use  
6 by the defendant of the said right of common.

#### REPLICATIONS.

74th. The plaintiff takes issue upon the defendant's 1st, 2nd, etc., pleas.

75th. The plaintiff as to the second plea says (here state the answer to the plea as  
2 in the following forms).

76th. That the alleged release is not the plaintiff's deed.

77th. That the alleged release was procured by the fraud of the defendant.

78th. That the alleged set-off did not accrue within five years before this suit.

79th. That the plaintiff was possessed of land whereon the defendant was trespass-  
2 ing and doing damage, whereupon the plaintiff requested the defendant to leave the  
3 said land, which the defendant refused to do; and thereupon the plaintiff gently laid  
4 his hands on the defendant, in order to remove him, doing no more than was necessary  
5 for that purpose, which is the alleged first assault by the plaintiff.

80th. That the occupiers of the said land did not for twenty years before this suit  
2 enjoy as of right and without interruption the alleged way.

## NEW ASSIGNMENT.

81st. The plaintiff, as to the                      and                      pleas, says that he sues not for the  
 2 trespasses therein admitted, but for trespasses committed by the defendant in excess of  
 3 the alleged rights, and also in other parts of the said land and on other occasions, and  
 4 for other purposes than those referred to in the said pleas. (If the plaintiff replies and  
 5 new assigns, the new assignment may be as follows):

82d. And the plaintiff, as to the                      and                      pleas, further says, that he  
 2 sues not only for the trespasses in those pleas admitted, but also for, etc. (If the plain-  
 3 tiff replies, and new assigns to some of the pleas, and new assigns only to another, the  
 2 form may be as follows):

83rd. And the plaintiff, as to the                      and                      pleas further says, that he sues  
 2 not for the trespasses in the                      pleas (the pleas not replied to) admitted, but for the  
 3 trespasses in the                      pleas (the pleas replied to) admitted, and also for, etc.

1. Introduced by Mr. Dement Jan. 31, 1879, and ordered to first reading.
  2. First reading Jan. 31, 1879, and referred to Committee on Penal and Reformatory institutions.
  3. Reported back Feb. 5, 1879, passage recommended and referred to Committee on Appropriations.
  4. March 4, reported back, passage recommended and ordered to second reading.
- 

## A BILL

For An Act making an appropriation for the Illinois State Penitentiary at Joliet.

---

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That for the purpose of paying the debts of the Illinois State Penitentiary the sum of fifty thousand dollars (\$50,000), or so much thereof as may be necessary, be and is hereby appropriated to pay the indebtedness of the penitentiary, contracted before the first day of October, A. D. 1878, to be paid to the persons to whom the same is due, upon vouchers, in detail, verified by the warden of the penitentiary, certified to be correct by the commissioners of the Penitentiary, and approved by the Governor.

§ 2. The Auditor of Public Accounts is hereby authorized and directed to draw his warrant on the treasurer for the sum herein specified, upon presentation of the proper vouchers, and the State treasurer shall pay the same out of any funds in the treasury not otherwise appropriated.

§ 3. WHEREAS, said indebtedness is drawing over ten dollars each day for interest therefore an emergency exists, and this act shall be in force from and after its passage.



1. Introduced by Mr. Dement January 31, 1879, and ordered to first reading.
2. First reading January 31, and referred to Committee on Penal and Reformatory institutions.
3. Reported back February 5, passage recommended and referred to Committee on Appropriations.
4. March 4, reported back, passage recommended and ordered to second reading.
5. April 18, second reading, amended, and ordered third reading.

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## A BILL

For An Act making an appropriation for the Illinois State Penitentiary at Joliet.

---

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General*  
2 *Assembly, That for the purpose of paying the debts of the Illinois State Penitentiary*  
3 *the sum of fifty thousand dollars (\$50,000), or so much thereof as may be necessary, be*  
4 *and is hereby appropriated to pay the indebtedness of the penitentiary, contracted*  
5 *before the first day of October, A. D. 1878. And no payment shall be made to any*  
6 *person on account of said indebtedness, unless such person shall present his claim to*  
7 *said commissioners in writing, and accompany the same with an affidavit, showing the*  
8 *nature of the indebtedness, the time when the same was contracted, and the amount*  
9 *justly due thereon after allowing all credits, and each claim so presented and verified*  
10 *shall thereafter, and before any payment is made thereon, be approved by the commis-*  
11 *sioners and warden of said penitentiary.*



1. Reported back, January 17, 1879, and ordered to be read a second time.  
2. Read a second time, January 17, and referred to Committee on Penitentiary Institutions.  
3. Reported back, February 7, passage recommended and referred to Committee on Appropriations.  
4. Reported back, passage recommended and ordered to a third reading.  
5. April 18, second reading, amended and ordered to third reading.

## A BILL

For an Act making an appropriation for the Illinois State Penitentiary at Joliet.

*Section 1. Be it enacted by the People of the State of Illinois, represented in the General*

- 2 *Assembly, That for the purpose of paying the debts of the Illinois State Penitentiary,*  
3 *the sum of fifty thousand dollars (\$50,000); or so much thereof as may be necessary, be*  
4 *and is hereby appropriated to pay the indebtedness of the penitentiary, contracted be*  
5 *fore the first day of October, A. D. 1878; and no payment shall be made to any person*  
6 *on account of said indebtedness, unless such person shall present his claim to said com-*  
7 *missioners in writing, and accompany the same with an affidavit showing the nature of*  
8 *the indebtedness, the time when the same was contracted, and the amount justly due*  
9 *thereon, after showing all credits and each claim so presented and verified, shall there-*  
10 *after and before any payment is made thereon be approved by the commissioners and*  
11 *warden of said penitentiary.*

- § 2. The Auditor of Public Accounts is hereby authorized and directed to draw his  
2 warrant on the treasurer for the sum herein specified, upon presentation of the proper  
3 vouchers, and the State Treasurer shall pay the same out of any funds in the treasury  
4 not otherwise appropriated.

And no person indebted to said penitentiary, drawing over ten dollars, shall be permitted to  
draw on the treasury until his indebtedness is paid, and this act shall be in force from the first day of





[In House.]

1. Reported to House April 24, 1879.
2. First reading April 25, and referred to Committee on Appropriations.
3. Reported back, passage recommended, and ordered to second reading April 30.

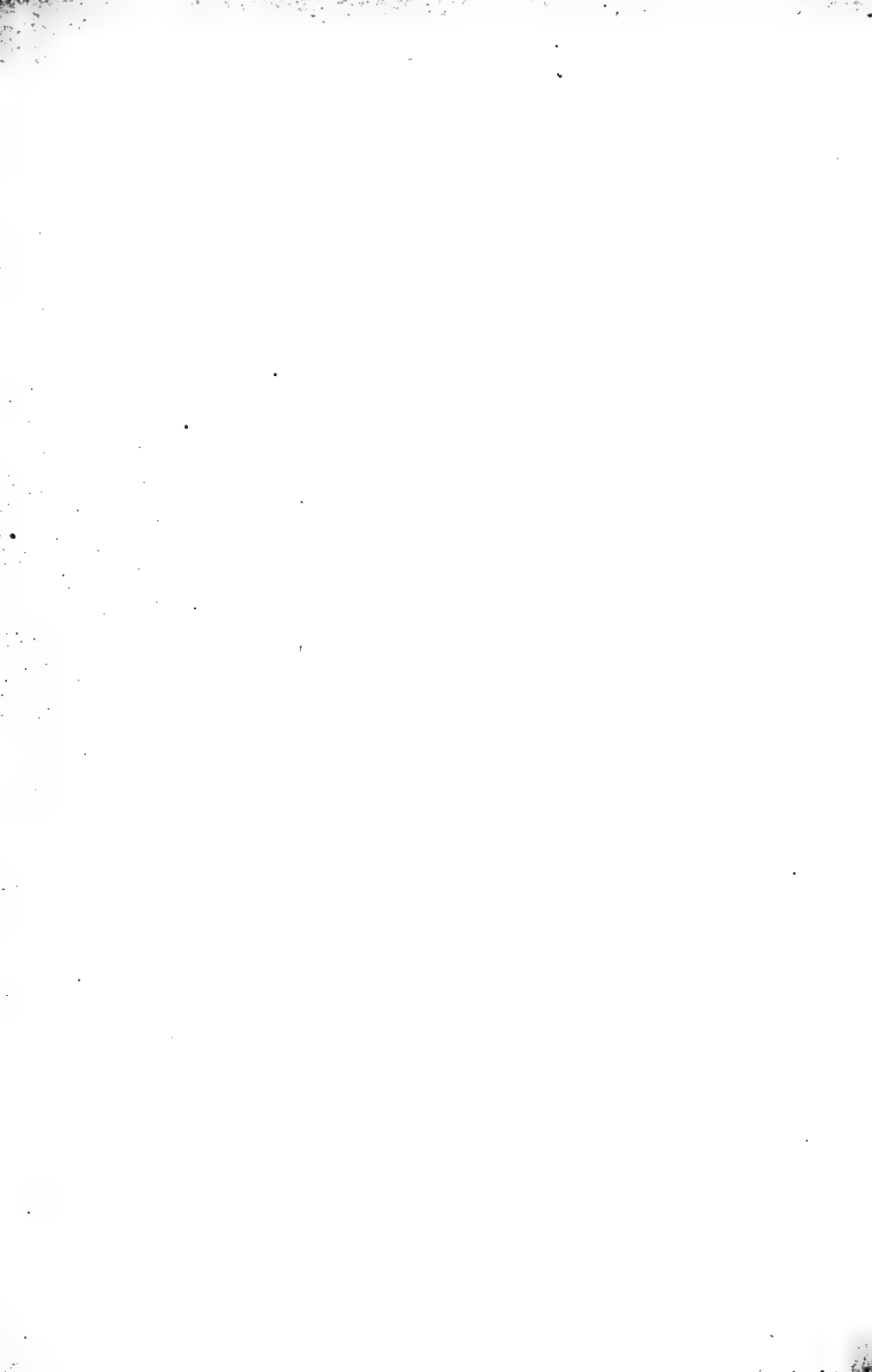
## A BILL

For an act making an appropriation for the Illinois State Penitentiary, at Joliet.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That, for the purpose of paying the debts of the Illinois State Penitentiary, the sum of fifty thousand dollars (\$50,000), or so much thereof as may be necessary, be and is hereby appropriated to pay the indebtedness of the penitentiary, contracted before the first day of October, A. D. 1878; and no payment shall be made to any person on account of said indebtedness, unless such person shall present his claim to said commissioners in writing, and accompany the same with an affidavit, showing the nature of the indebtedness, the time when the same was contracted, and the amount justly due thereon after allowing all credits; and each claim so presented and verified shall thereafter, and before any payment is made thereon, be approved by the commissioners and warden of said penitentiary.

§ 2. The Auditor of Public Accounts is hereby authorized and directed to draw his warrant on the treasury for the sum herein specified, on presentation of the proper vouchers; and the State Treasurer shall pay the same out of any funds in the treasury not otherwise appropriated.

§ 3. WHEREAS, Said indebtedness is drawing over ten dollars each day for interest; therefore, an emergency exists, and this act shall be in force from and after its passage.



1. Amendment to Senate Bill 149, offered by Committee on Appropriations, May 20, 1879.
2. Amend section one by striking out the words and figures, "Fifty Thousand Dollars (\$50,000)," in fifth line of written bill and insert in lieu thereof the words and figures forty-three thousand five hundred and fifteen dollars and fifty cents (\$43,515.50).



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1. Reported to House April 24th, 1879.
  2. First Reading April 28, 1879, and referred to Committee on Appropriations.
  3. Reported back, Passage Recommended, and ordered to Second Reading April 30, 1879.
  4. Second Reading. Amended and ordered to Third Reading May 14, 1879.
  5. May 16, Lost on Passage May 20, 1879, Vote by which Bill was Lost Reconsidered and Bill Recommitted to Appropriations, Reported to Pass with Amendments and Ordered to Third Reading.
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Amendment to Senate Bill 149, offered by Committee on Appropriations, May 20, 1879.

Amend section one by striking out the words and figures, "Fifty Thousand Dollars (\$50,000)," in fifth line of written bill and insert in lieu thereof the words and figures forty-three thousand five hundred and fifteen dollars and fifty cents (\$43,515.50): *Provided*, that no part of the money herein appropriated shall be used for the payment of any gas machine.

W. B. TAYLOR, Clerk.



1. Introduced by Mr. Bonfield January 31, 1879, and ordered to first reading.
2. First reading February 1, 1879, and referred to Committee on Judiciary.
3. Reported back with amendments, passage recommended, and ordered to second reading February 20, 1879.

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Amendments to Senate Bill No 150.

- Amend the title by striking out the word and figure "thirty" and inserting "twenty-nine."
- Also amend the bill by striking out the word and figure "thirty" and inserting "twenty-nine."
- Also amend by inserting after words "claims and demand," in line 3 section 29 the words "founded upon a contract either expressed or implied."

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A BILL

For an Act to amend Section thirty (30) of an act entitled "An Act in regard to practice in courts of record," approved February 22, 1872.

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SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That Section thirty (30) of an act entitled "An Act in regard to practice in courts of record," approved February 22, 1872, be amended so as to read as follows, to-wit:

SECTION 30. The defendant in any action brought upon any contracts or agreement expressed or implied having claims or demands, either liquidated or unliquidated in their nature and whether arising out of or connected with the subject matter of the plaintiff's contract or agreement or otherwise, against the plaintiff in such action, may



5 plead the same, or give notice thereof, under the general issue or under the plea of pay-  
6 ment: and the same or such part thereof as the defendant shall prove on the trial,  
7 shall be set off and allowed against the plaintiffs demand, and a verdict shall be given  
8 for the balance due. And if it shall appear that the plaintiff is indebted to the de-  
9 fendant the jury shall find a verdict for the defendant and certify to the court, the  
10 amount so found, and the courts shall give judgment in favor of such defendant, with  
11 the costs of his defense. If the cause is tried by the court, the finding and judg-  
12 ment shall be in like manner.

1. Introduced by Mr. Bonfield, Jan. 31, 1879, and ordered to first reading.
2. First reading Feb. 1, 1879, and referred to Committee on Judiciary.
3. Reported back with amendments, passage recommended, and ordered to second reading February 20, 1879.
4. March 4, second reading, amended and ordered to third reading.

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## A BILL

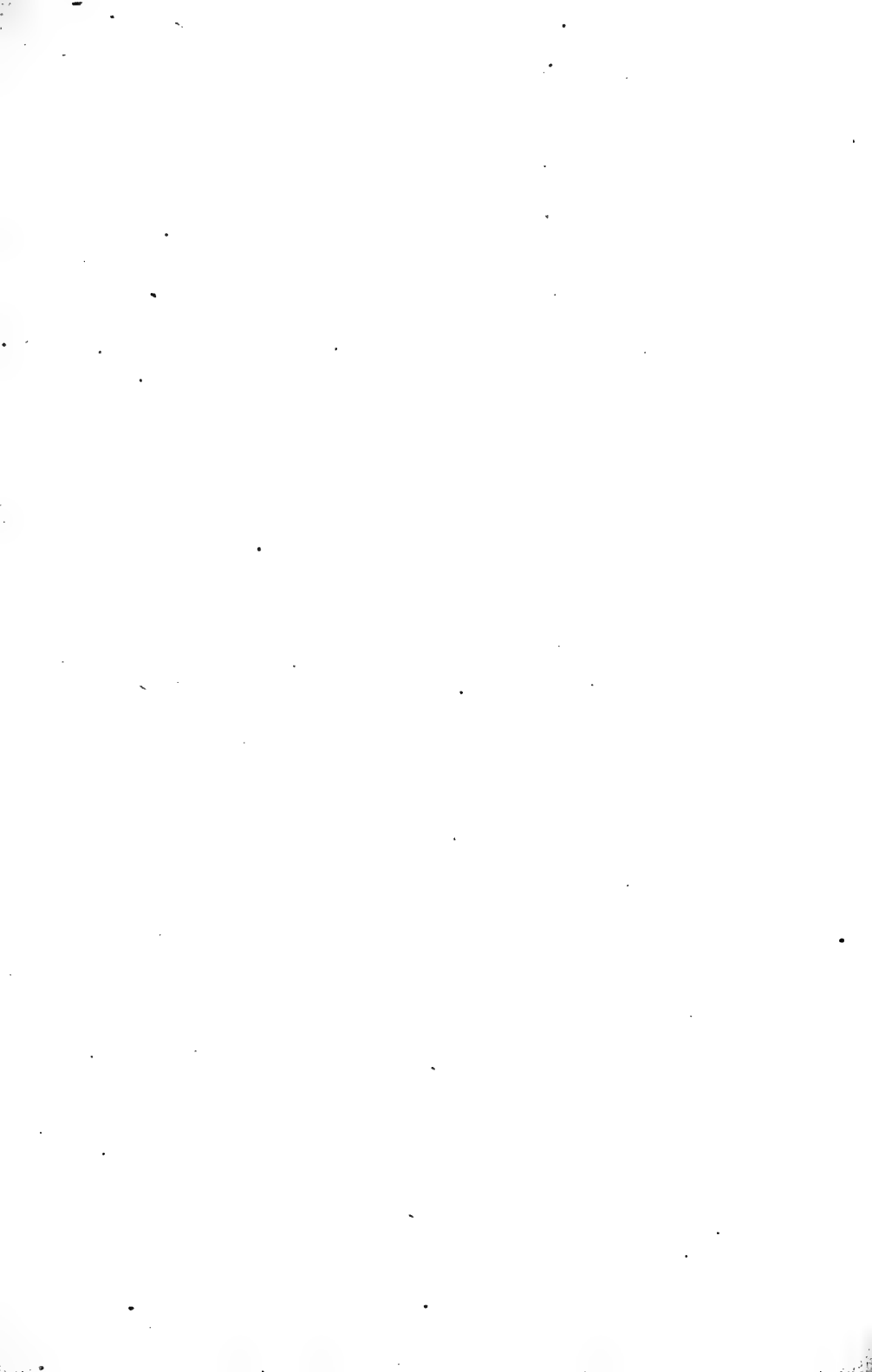
For an act to amend section twenty nine (29) of an act entitled "An Act in regard to practice in courts of record," approved February 22, 1872.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General*

2 *Assembly,* That section twenty-nine (29) of an act entitled "An Act in regard to prac-  
3 tice in courts of record," approved February 22, 1872, be amended so as to read as fol-  
4 lows, to-wit:

SECTION 29. The defendant in any action brought upon any contracts or agreement  
2 expressed or implied having claims or demands, founded upon a contract either ex-  
3 pressed or implied, either liquidated or unliquidated in their nature and whether arising  
4 out of or connected with the subject matter of the plaintiff's contract or agreement or  
5 otherwise, against the plaintiff in such action, may plead the same, or give notice  
6 thereof, under the general issue or under the plea of payment; and the same or such  
7 part thereof as the defendant shall prove on the trial, shall be set off and allowed  
8 against the plaintiff's demand, and a verdict shall be given for the balance due. And  
9 if it shall appear that the plaintiff is indebted to the defendant the jury shall find a  
10 verdict for the defendant and certify to the court, the amount so found, and the court  
11 shall give judgment in favor of such defendant, with the costs of his defense. If the  
12 cause is tried by the court, the finding and judgment shall be in like manner.



1. Introduced by Mr. Wilson Jan. 31, 1879, and ordered to first reading.
2. First reading Jan. 1, 1879, and referred to Committee on Judiciary.
3. Reported back, passage recommended, and ordered to second reading February 20, 1879.

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## A BILL

For an Act to amend section 9 of an act concerning Conveyances, approved March 29, 1872; in force July 1, 1872.

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SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That section 9 of an act entitled "An act in regard to Conveyances," approved March 29, 1872; in force July 1, 1872, be and the same is hereby amended so as to read as follows:

SECTION 9. Deeds for the conveyance of land may be substantially in the following form:

The grantor (here insert name or names and place of residence, and whether married or unmarried) for and in consideration of (here insert consideration) in hand paid, conveys and warrants to (here insert the grantees name or names) the following described real estate (here insert description) situated in the county of \_\_\_\_\_, in the State of Illinois.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, A. D. 18 \_\_\_\_.

9

A. B. (L. S.)



1. Introduced by Mr. Fosdick Jan. 31, 1879, and ordered to first reading.
2. First reading Jan. 31, 1879, and referred to Committee on Penal and Reformatory Institutions.
3. Feb. 26, reported back, passage recommended, and referred to Committee on Appropriations.
4. March 5, reported back with amendment, passage recommended and ordered to second reading.

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Amendment to Senate Bill No. 155, reported by Committee on Appropriations.

- Amend by striking out the words "thirty thousand dollars" in lines 8 and 9 of written bill and insert in lieu thereof the words "twenty-seven thousand dollars."

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## A BILL

For an act making appropriations for the State Reform School at Pontiac.

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- SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the following sums be and are hereby appropriated to the State Reform School at Pontiac, for the purposes herein specified :
- 4 For ordinary expenses, thirty thousand dollars per annum, payable quarterly in advance, from the first of July, 1879, to the expiration of the first fiscal quarter after the
  - 6 adjournment of the next General Assembly.
  - 7 For repairs and improvements, two thousand dollars per annua.
  - 8 For replenishing the library and furnishing papers, two hundred dollars per annum,
  - 9 For drainage, one thousand dollars.
  - 10 And for the improvement of the grounds, any unexpended balance of the fund de-

11 rived from the estate of Duff and Cowan, which has not already been paid into the  
12 State Treasury.

§. 2. The moneys herein appropriated shall be paid to the institution in the manner  
2 and upon the conditions now provided by law.

1. Introduced by Mr. Fosdick, Jan. 31, 1879, and ordered to first reading.
3. First reading Jan. 31, 1879, and referred to Committee on Penal and Reformatory Institutions.
3. Feb. 26, reported back, passage recommended, and referred to Committee on Appropriations.
4. March 5, reported back with amendment, passage recommended and ordered to second reading.
5. April 4, second reading, amended and ordered to third reading.

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### **A BILL**

For an act making appropriations for the State Reform School at Pontiac.

---

**SECTION 1.** *Be it enacted by the People of the State of Illinois, represented in the General*

*Assembly,* That the following sums be and are hereby appropriated to the State Reform School at Pontiac, for the purposes herein specified:

For ordinary expenses, twenty-seven thousand dollars (\$27,000) per annum, payable, quarterly in advance, from the first of July, 1879, to the expiration of the first fiscal quarter after the adjournment of the next General Assembly.

For repairs and improvements, two thousand dollars (\$2,000) per annum.

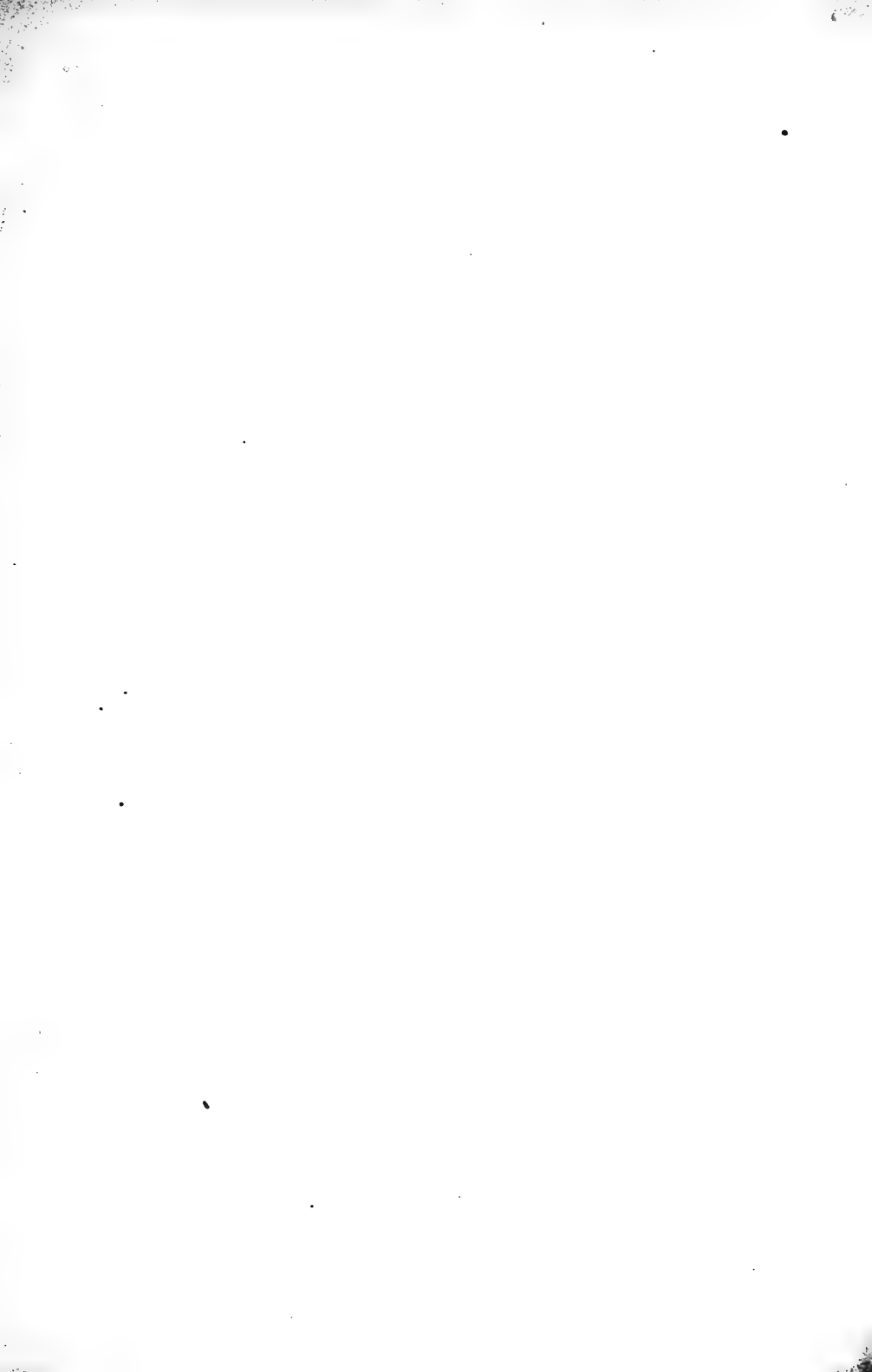
For replenishing the library and furnishing papers, two hundred dollars (\$200) per annum.

For drainage one thousand dollars (\$1,000).

And for the improvement of the ground, any unexpended balance of the fund derived from the estate of Duff and Cowan, which has not already been paid into the state treasury.

§ 2. The moneys herein appropriated shall be paid to the institution in the manner and upon the conditions now provided by law.





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[In House.]

1. Reported to House April 19, 1879.
  2. First reading April 19, and referred to Committee on Appropriations.
  3. Reported back with amendments, passage recommended and ordered to second reading, May 15.
- 

Amendments to Senate Bill No. 155, offered by Committee on Appropriations, May 15, 1879.

Amend section 1 by striking out the words and figures "twenty-seven thousand dollars (\$27,000)," in lines 7 and 8, in written bill, and insert in lieu thereof the words and figures "twenty-six thousand dollars (\$26,000)."

Amend same section by striking out all after the word "ground," in line 19 of written bill, and insert in lieu thereof the words and figures "two hundred dollars (\$200)."

---

## **A BILL**

For an Act making appropriations for the State Reform School at Pontiac.

---

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the following sums be and are hereby appropriated to the State Reform School at Pontiac, for the purposes herein specified :

For ordinary expenses, twenty-seven thousand dollars (\$27,000) per annum, payable quarterly in advance, from the first of July, 1879, to the expiration of the first fiscal quarter after the adjournment of the next General Assembly.

- 7 For repairs and improvements, two thousand dollars (\$2,000) per annum.  
8 For replenishing the library and furnishing papers, two hundred dollars (\$200) per  
9 annum.  
10 For drainage, one thousand dollars (\$1,000).  
11 And for the improvement of the ground, any unexpended balance of the fund derived  
12 from the estate of Duff and Cowan, which has not already been paid into the State  
13 treasury.

§ 2. The moneys herein appropriated shall be paid to the institution in the manner  
3 and upon the conditions now provided by law.

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(In House.)

1. Reported to House April 19, 1879.
2. First reading April 19, and referred to Committee on Appropriations.
3. Reported back with amendments, passage recommended and ordered to second reading, May 15.
4. Second reading, amended and ordered to third reading, May 21.

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Amendment to Senate Bill No. 155, offered and adopted May 30, 1879.

Substitute for Committee amendment: "For ordinary expenses, the sum of twenty  
2 thousand dollars, together with balance of funds in the hands of the treasurer of said  
3 institution, for the year beginning July 15, 1879, and ending June 30, 1880; and twen-  
4 ty-six thousand dollars for the year ending June 30, 1881."  
5 Amend section 1, by striking out all after the word "ground," in line 19 of written  
6 bill, and insert in lieu thereof the words and figures "two hundred dollars (\$200)."

W. B. TAYLOR, Clerk.



1. Introduced by Mr. Callon January 31, 1879, and ordered to first reading.
  2. First reading February 1, 1879, and referred to Committee on State Charitable Institutions.
  3. March 6, 1879, reported back with amendments, passage recommended and referred to Committee on Appropriations.
  4. March 20, 1879, reported back with amendments, passage recommended and ordered to second reading.
- 

Amendments to Senate Bill No. 156, reported from the Committee on State Charitable Institutions and Committee on Appropriations.

- Amend item for laundry, by substituting for words "five thousand and eight hundred  
2 dollars (\$5,800)" the words "three thousand dollars (\$3,000)."
- 3 Amend by striking out item "for one additional boiler, complete, the sum of fifteen  
4 hundred dollars (\$1500).
- 5 Amend by striking out item "for a new barn and cow house, the sum of five thou-  
6 sand dollars (\$5,000)."
- 7 Amend by striking out item "for a coal house, the sum of thirteen hundred dollars  
8 (\$1300)."
- 9 Amend item dining room, kitchen, etc., by substituting for words "two thousand and  
10 seven hundred dollars (\$2,700) the words two thousand and four hundred dollars (\$2,400)."
- 

## A BILL

For an Act for erecting additional buildings to the Illinois Institution for the Education of the Blind at Jacksonville, and for furnishing the same.

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SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General*  
2 *Assembly, That there be and are hereby appropriated to the Illinois Institution for the*

3 Education of the Blind, for the erection of a building for a laundry, with machinery  
4 complete, the sum of five thousand and eight hundred dollars (\$5,800.)

5 For one additional boiler, complete, the sum of fifteen hundred dollars (\$1,500).

6 For new fronts to, and resetting the present boilers, the sum of seven hundred and  
7 eighty-four dollars (\$784).

8 For a new barn and cow house, the sum of five thousand dollars (\$5,000).

9 For a coal house, the sum of thirteen hundred dollars (\$1,300).

10 And, for a dining room and kitchen, with range and connections complete, the sum  
11 of two thousand and seven hundred dollars (\$2,700); said sums are to be payable out of,  
12 and drawn from the treasury, in such manner as is now provided by law.

§ 2. The superintendent of said Institution is authorized to procure detailed plans  
2 and specifications, in accordance with the general plans now in the office of the Board  
3 of Public Charities, which shall be approved by the Board of Trustees, and he shall  
4 have the general control and supervision of the construction of said building.

1. Introduced by Mr. Callon, January 31, 1879, and ordered to first reading.
2. First reading February 1, and referred to Committee on State Charitable Institutions.
3. March 6, reported back with amendments, passage recommended and referred to Committee on Appropriations.
4. March 20, reported back with amendments, passage recommended and ordered to second reading.
5. April 12, second reading, amended and ordered to third reading.

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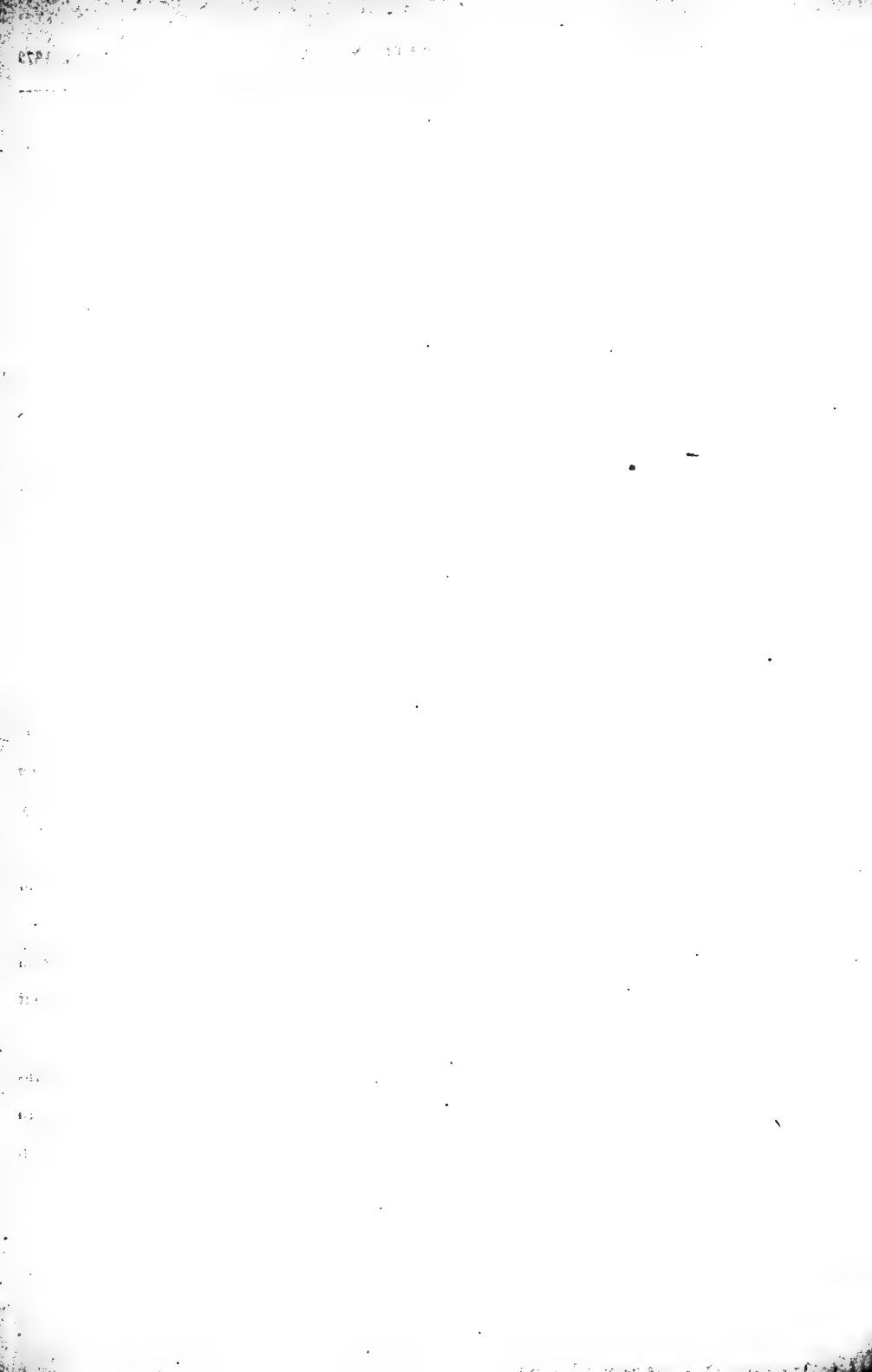
### A BILL

For an act for erecting additional buildings to the Illinois Institution for the Education of the Blind, at Jacksonville, and for furnishing the same.

---

- SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That there be and are hereby appropriated to the Illinois Institution for the Education of the Blind, for the erection of a building for a laundry, with machinery complete, the sum of three thousand and eight hundred dollars (\$3800).
- For new fronts to and resetting the present boilers, the sum of seven hundred and eighty-four dollars (\$784).
- And for a dining room and kitchen, with range and connections complete, the sum of two thousand and four hundred dollars (\$2400). Said sums are to be payable out of and drawn from the treasury in such manner as is now provided by law.
- § 2. The superintendent of said Institution is authorized to procure detailed plans and specifications, in accordance with the general plans now in the office of the Board of Public Charities, which shall be approved by the board of trustees, and he shall have the general control and supervision of the construction of said building.





1. Introduced by Mr. Callon, January 31, 1879, and ordered to first reading.
2. First reading February, 1879, and referred to Committee on State Charitable Institutions.
3. March 6, reported back with amendments, and referred to Committee on Appropriations.
4. April 8, reported back with amendments, passage recommended and ordered to second reading.

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Amendments to Senate Bill No. 157, reported from the Committees on State Charitable Institutions and Appropriations.

Amend item for ordinary expenses by substituting for words "twenty-four thousand  
2 dollars (\$24,000)" the words "twenty-one thousand dollars (\$21,000); and for the words  
3 "twenty-six thousand dollars (\$26,000)" substitute the words "twenty-five thousand  
4 dollars (\$25,000)."

---

**A BILL**

For an Act making appropriations for the expenses of the Illinois Institution for the  
Education of the Blind.

---

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General*  
2 *Assembly, That there be, and are hereby appropriated to the Illinois Institution for the*  
3 *Education of the Blind, for ordinary expenses, the sum of twenty-four thousand dollars*  
4 *(\$24,000), for the year 1880; and the sum of twenty-six thousand dollars (\$26,000), for*  
5 *the year 1881; and for repairs and improvements, the sum of one thousand dollars*  
6 *(\$1,000) per annum; the foregoing amounts to be paid quarterly, in advance, from the*

7 first day of July, 1879, to the expiration of the first fiscal quarter, after the adjournment  
8 of the next General Assembly; and for the purchase of books, maps and other educa-  
9 tional and mechanical appliances, to be distributed gratuitously to such pupils leaving  
10 the Institution as are not able to pay for the same, the sum of three hundred dollars  
11 (\$300) per annum.

§ 2. The Auditor of Public Accounts is hereby authorized to draw his warrant on  
2 the treasury for said sums, upon the order of the board of trustees of said institution,  
3 signed by the president and attested by the secretary of said board of trustees, with the  
4 seal of the institution, subject to the limitations and conditions prescribed by law in an  
5 act to regulate the State Charitable Institutions," approved April 15, 1875.

1. Introduced by Mr. Callon January 31, 1879, and ordered to first reading.
2. First reading February, 1879, and referred to Committee on State Charitable Institutions.
3. March 6, reported back with amendments and referred to Committee on Appropriations.
4. April 8, reported back with amendments, passage recommended and ordered to second reading.
5. April 12, second reading, amended and ordered to third reading.

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## A BILL

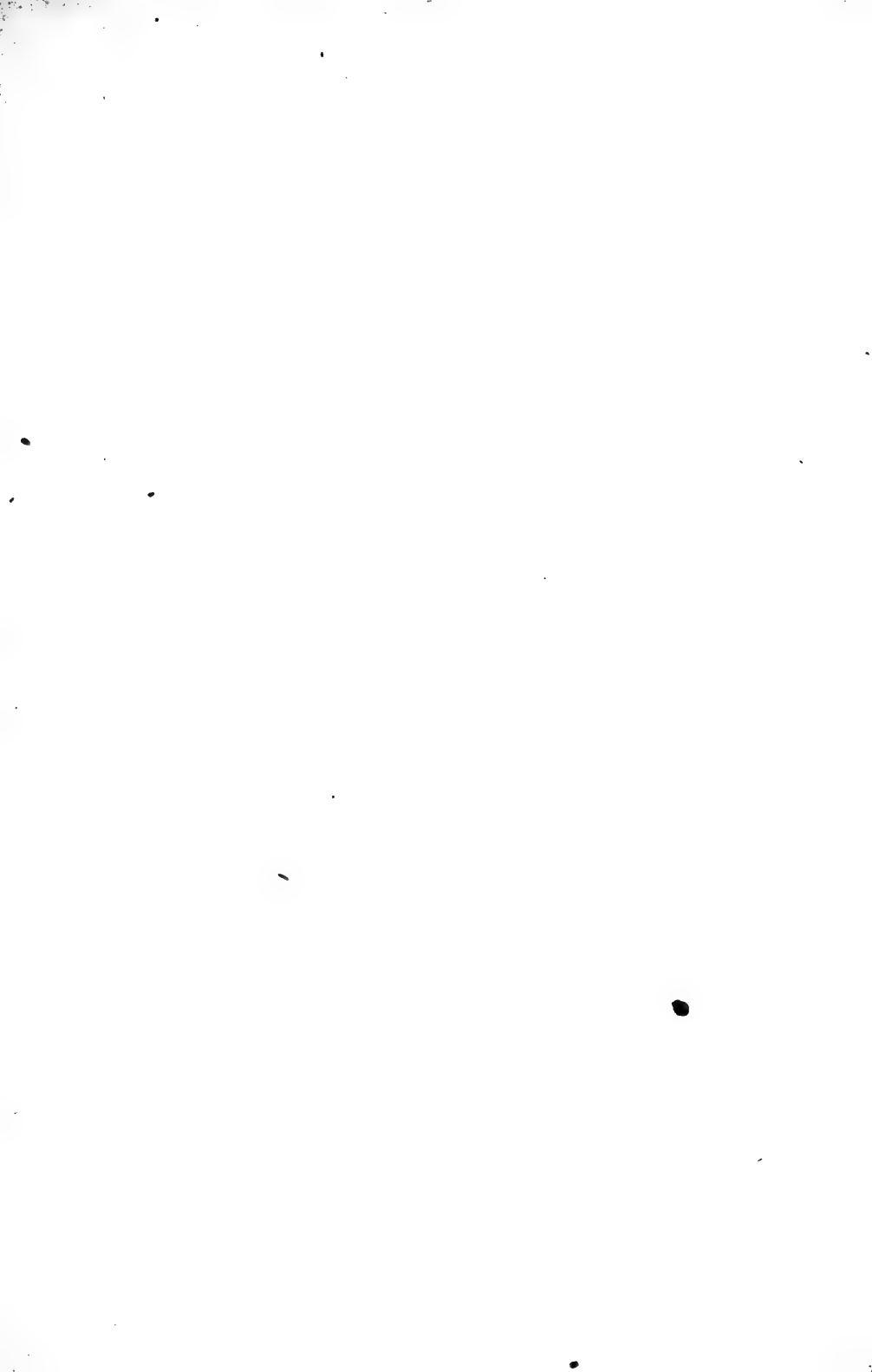
For an Act making appropriations for the expenses of the Illinois Institution for the Education of the Blind.

---

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General*

2 *Assembly,* That there be, and are hereby appropriated to the Illinois Institution for the  
3 Education of the Blind, for ordinary expenses, the sum of twenty-one thousand dollars  
4 (\$21,000), for the year 1880; and the sum of twenty-five thousand dollars (\$25,000), for  
5 the year 1881; and for repairs and improvements, the sum of one thousand dollars  
6 (\$1,000) per annum; the foregoing amounts to be paid quarterly, in advance, from the  
7 first day of July, 1879, to the expiration of the first fiscal quarter after the adjournment  
8 of the next General Assembly; and for the purchase of books, maps and other educa-  
9 tional and mechanical appliances, to be distributed gratuitously to such pupils leaving  
10 the institution as are not able to pay for the same, the sum of three hundred dollars  
11 (\$300) per annum.

§ 2. The Auditor of Public Accounts is hereby authorized to draw his warrant on  
2 the treasury for said sums, upon the order of the board of trustees of said institution,  
3 signed by the president and attested by the secretary of said board of trustees, with the  
4 seal of the institution, subject to the limitations and conditions prescribed by law in an  
5 act to regulate State charitable institutions, approved April 15, 1875.



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(In House.)

1. Reported to House April 19, 1879.
2. First reading April 19, and referred to Committee on Appropriations.
3. Reported back with amendments, passage recommended and ordered to second reading April 24.

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Amendments to Senate Bill No. 157, by Committee on Appropriations, April 26, 1879.

- Amend by adding to section 1, the words, "and for new fronts to and for resetting
- 2 the present boilers, the sum of seven hundred and eighty-four dollars (\$784); and for
  - 3 pipes, stand pipe, hose and connections to protect the building against destruction by
  - 4 fire, the sum of eight hundred and fifty dollars (\$850); and for dining room and kitchen,
  - 5 the sum of twenty-four hundred dollars (\$2,400).

W. B. TAYLOR, Clerk.

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## A BILL

For an act making appropriations for the expenses of the Illinois Institution for the  
Education of the Blind.

- 
- SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General*
- 2 *Assembly*, That there be, and are hereby appropriated to the Illinois Institution for the
  - 3 Education of the Blind, for ordinary expenses, the sum of twenty-one thousand dollars
  - 4 (\$21,000), for the year 1880; and the sum of twenty-five thousand dollars (\$25,000), for
  - 5 the year 1881; and for repairs and improvements, the sum of one thousand dollars
  - 6 (\$1,000) per annum. The foregoing amounts to be paid quarterly, in advance, from the

7 first day of July, 1873, to the expiration of the first fiscal quarter after the adjournment  
8 of the next General Assembly; and for the purchase of books, maps and other educa-  
9 tional and mechanical appliances, to be distributed gratuitously to such pupils leaving  
10 the institution as are not able to pay for the same, the sum of three hundred dollars  
11 (\$300) per annum.

§ 2. The Auditor of Public Accounts is hereby authorized to draw his warrant on  
2 the treasury for said sums, upon the order of the board of trustees of said institution,  
3 signed by the president and attested by the secretary of said board of trustees, with the  
4 seal of the institution, subject to the limitations and conditions prescribed by law in an  
5 act to regulate State charitable institutions, Approved April 15, 1875.

[In House.]

1. Reported from House April 19, 1879.
2. First reading April 19, and referred to Committee on Appropriations.
3. Reported back with amendments, passage recommended, and ordered to second reading April 26.
4. Second reading, amended and ordered to third reading.
5. Printed as amended.

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### A BILL

For an act making appropriations for the expenses of the Illinois Institution for the Education of the Blind.

---

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That there be, and are hereby appropriated to the Illinois Institution for the Education of the Blind, for ordinary expenses, the sum of twenty thousand dollars (\$20,000), for the year 1880; and the sum of twenty-three thousand five hundred dollars (\$23,500) for the year 1881; and for repairs and improvements, the sum of one thousand dollars (\$1,000) per annum. The foregoing amounts to be paid quarterly, in advance, from the first day of July 1879, to the expiration of the first fiscal quarter after the adjournment of the next General Assembly; and for the purchase of books, maps, and other educational and mechanical appliances, to be distributed gratuitously to such pupils leaving the institution as are not able to pay for the same, the sum of three hundred dollars (\$300) per annum; and for new fronts to, and for resetting the present boilers, the sum of seven hundred and eight-four dollars (\$784); and for pipes, stand pipe, hose and connections to protect the building against destruction by fire, the sum of eight hundred and fifty dollars (\$850); and for dining room and kitchen, the sum of twenty-four hundred dollars (\$2,400).



§ 2. The Auditor of Public Accounts is hereby authorized to draw his warrant on  
the treasury for said sums, upon the order of the board of trustees of said institution,  
signed by the president and attested by the secretary of said board of trustees, with the  
seal of the institution, subject to the limitations and conditions prescribed by law in "an  
act to regulate State charitable institutions," approved April 15, 1875.

1. Introduced by Mr. Riddle, January 31, 1879, and ordered to first reading.
2. First reading February 1, 1879, and referred to Committee on Judiciary.
3. Reported back, passage recommended, and ordered to second reading February 6, 1879.

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## A BILL

For an Act to amend an act entitled "An Act to revise the law in relation to the adoption of children," approved February 27, 1874.

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SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the act entitled "An Act to revise the law in relation to the adoption of children," approved February 27, 1874, be amended by the addition of the following sections, to-wit :

SECTION 9. Where any person has heretofore, or may hereafter raise a child from infancy, with an original and continued purpose to adopt such child as the lawful child of such adopting person or parent, but without making such adoption in accordance with the forms of any law for that purpose then, or thereafter in existence ; and where such adopting person and parent, after the expiration of twenty years from such original adoption, has heretofore executed, or may hereafter execute, an instrument of writing in presence of not less than two credible witnesses, declaring and affirming such original adoption, then such instrument of writing, when proven as hereinatter provided, shall be conclusive evidence of such adoption, with the same effect, as if such adoption had been made in accordance with the provisions of the law to which this is an amendment ; and no further proof of such adoption shall in any case be required.

§ 10. The instrument of writing referred to in the foregoing section, shall be presented and proved, before the county or probate Court of the county where the estate of such adopting parent or child is entitled to be administered.

§ 11. Any person interested may oppose the proving of such instrument of writing as provided in the foregoing section to the same extent as now provided by law in the case of wills.

§ 12. WHEREAS, an emergency exists, therefore this act shall take effect and be in force from and after its passage.

1. Introduced by Mr. Herdman January 31, 1879, and ordered to first reading.
2. First reading February 1, 1879, and referred to Committee on Miscellany.
3. Reported back, passage recommended, and ordered to second reading February 19, 1879.

## A BILL

For an Act to indemnify the owners of sheep in cases of damage committed by dogs.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That each county and township assessor in this State, when making the assessment, shall annually make a list of the names of all persons who own or keep a dog or dogs, and set opposite the name of such owner or keeper the number of dogs he or she has in his or her possession, or that is or are kept on his or her premises; which list shall be returned by such assessor to the county clerk of the county in which said list is taken as soon as the assessment is completed.

§ 2. The county clerk shall charge upon the collector's book against the name of each person reported and returned as the owner or keeper of a dog or dogs, as a license fee, the sum of one dollar for each dog owned or kept by such person, which fee shall be collected at the same time and in the same manner as taxes upon personal property. In counties not under township organization, the collector shall pay the amount received from the licenses aforesaid to the treasurer of his county, and in counties under township organization, the sum so collected in each town shall be paid by the collector to the supervisor of his town, who shall first give to the people of the State of Illinois, for the use of the inhabitants of his town, a bond with at least two sureties, to be approved by the Board of Supervisors of his county in double the sum of such license fees in his town, conditioned that he will faithfully pay out said fund

12 as hereinafter provided. Said bond shall be filed and remain in the office of the county  
13 clerk of the proper county.

§ 3. It shall be the duty of the county treasurers and supervisors having the custody  
2 of the funds collected as license fees as aforesaid, to pay the same out in the manner  
3 following:

4 *First.*—By such county treasurers to the owners of sheep in their respective counties,  
5 and by the supervisors to the owners of sheep in their respective towns, who shall make  
6 proof to them before the first Monday of March in each year, of loss or injury to sheep  
7 by dogs, the full amount of the loss or injury so proved, if there are funds sufficient to  
8 pay the same; if there be not sufficient funds to pay such loss or injury in full, then the  
9 owners of sheep so sustaining loss or injury as aforesaid, and making proof thereof as  
10 in this act provided, shall be paid out of such fund in proportion to his or her loss or  
11 injury, his or her *pro rata* share thereof.

12 *Second.*—If there be a balance of such license fund left in the hands of the county  
13 treasurer, or town supervisor, after paying the losses and injuries sustained as aforesaid,  
14 such balance shall be paid to the county superintendent of schools of his county for the  
15 support of schools throughout his county, and by the supervisor of the town, in coun-  
16 ties under township organization, into the general fund of the town, to be disposed of  
17 as such town shall deem proper.

§ 4. The payment to any owner of sheep of money for damages resulting from loss  
2 or injury to his or her sheep, shall not be a bar to an action by such owner against the  
3 owner or keeper of the dog or dogs committing such injury or causing such loss, for  
4 the recovery of damages therefor. The court or jury before whom such action is tried  
5 shall ascertain from evidence what portion, if any, of the damages sought to be recov-  
6 ered in such action has been paid to the plaintiff in such action by the county treasurer  
7 or supervisor of the proper county or town; and in case the plaintiff in such action re-  
8 covers damages, the court shall enter judgment against the defendant, in the name of  
9 the plaintiff, for the use of the proper county or town, as the case may be, for the  
10 amount which the plaintiff has received on account of such damages from the county  
11 treasurer or supervisor of the proper county or town, if such recovery shall equal or  
12 exceed the amount so received by such plaintiff from the county treasurer, or town  
13 supervisor of his county or town; and the residue of such recovery, if any there be,

14 shall be entered in the name of the plaintiff in such action to his own use; if the  
 15 amount of the recovery in such action shall not equal the amount previously paid to  
 16 the plaintiff on account of such damages by the county treasurer or the town supervi-  
 17 sor of the proper county or town, then the judgment shall be entered as aforesaid, for  
 18 the use of such county or town, for the full amount of such recovery. Writs of execu-  
 19 tion issued upon such judgments shall show on their face what portion of the judg-  
 20 ment is to be paid to the proper county or town, and what portion is to be paid to the  
 21 plaintiff in such action, and the judgment when collected shall be paid over to the par-  
 22 ties entitled thereto, in their proper proportions.

§ 5. No owner of sheep shall be entitled to receive any portion of the fund herein  
 2 provided for, without first filing an affidavit with the County Treasurer in counties not  
 3 under township organization, and in counties under township organization, with the  
 4 Supervisor of the town in which his or her sheep were injured or destroyed, stating that  
 5 the name of the owner or keeper of the dog or dogs which destroyed or injured his or  
 6 her sheep, is unknown to him or her, or if known, then stating the name and that such  
 7 owner or keeper is insolvent, and that the affiant has received no compensation from  
 8 such owner or keeper, or from any other person, for his or her damages aforesaid, which  
 9 affidavit may be made before any person authorized to administer oaths.

§ 6. For the purpose of ascertaining the value of all sheep killed or injured by any  
 2 dogs not owned or kept by the proprietor of such sheep, it shall be the duty of all per-  
 3 sons having sheep killed or injured, as aforesaid, to notify the nearest Justice of the  
 4 Peace who can be found, of such loss or injury within twenty-four hours after such loss  
 5 or injury is discovered; and thereupon the said Justice of the Peace shall immediately  
 6 summon three disinterested men, being freeholders, to act as appraisers of the value of  
 7 the sheep killed or injured as aforesaid. The said appraisers shall be sworn by the said  
 8 Justice of the Peace to make a true and correct estimate of the number and value of  
 9 the sheep killed or injured by dogs, so far as they may be able to ascertain the same.  
 10 The said Justice of the Peace shall receive from the said appraisers their estimate as  
 11 aforesaid, in writing, signed by them, and attach thereto his certificate, certifying that  
 12 the said appraisers were duly summoned by him upon the application of the owner of  
 13 the sheep killed or injured, or on the application of the agent of such owner, and shall,  
 14 within five days thereafter, file said estimate and certificate with the Treasurer of his

15 county in counties not under township organization, and with the Supervisor of the  
 16 town in which such sheep were killed or injured, in counties under township organiza-  
 17 tion; and said estimate and certificate, when so filed, shall be sufficient evidence of loss  
 18 or damage by dogs, as aforesaid, and the licence fund aforesaid in the hands of the  
 19 Treasurer or Supervisor, shall be paid out thereupon on the first Monday of March in  
 20 each year, as hereinbefore provided.

§ 7. The summons mentioned in the preceding section shall specify the time and  
 2 place when and where said appraisers shall meet to discharge their duties, and shall be  
 3 served by any Constable of the proper county, who shall receive for his services the  
 4 like fees as are given by law for serving like process in other cases before Justices of  
 5 the Peace.

§ 8. The Justices of the Peace shall receive for issuing summons and administering  
 2 oaths under this act, the same fees as are given by law for like services in other cases,  
 3 and for making and filing certificate with the estimate of said appraisers as herein pro-  
 4 vided for, the sum of one dollar. Appraisers under this act, shall receive for their  
 5 services, the sum of two dollars each, per day, for every days necessary attendance in  
 6 making appraisements under this act. All fees given for services under this act, shall  
 7 be paid by the Treasurer or Supervisor of the proper county or town, out of the fund  
 8 created by this act, prior to its disposition as in the third section of this act provided.

§ 9. The word "dog," as used in this act, shall be held and construed to mean all  
 2 animals of the canine species, both male and female.

1. Introduced by Mr. Herdman January 31, 1879, and ordered to first reading.
2. First reading February 1, 1879, and referred to Committee on Miscellaneous.
3. Reported back, passage recommended, and ordered to second reading February 19, 1879.
4. March 11, second reading, amended on second reading.

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## A BILL

For an Act to indemnify the owners of sheep in cases of damage committed by dogs.

---

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General*

2 *Assembly, That each county and township assessor in this State, when making the as-*  
3 *essment shall annually make a list of the names of all persons who own or keep a*  
4 *dog or dogs, and set opposite the name of such owner or keeper the number of dogs he*  
5 *or she has in his or her possession, or that is or are kept on his or her premises; which*  
6 *list shall be returned by such assessor to the county clerk of the county in which said*  
7 *list is taken as soon as the assessment is completed.*

§ 2. The county clerk shall charge upon the collector's book against the name of  
2 each person reported and returned as the owner or keeper of a dog or dogs, as a license  
3 fee, the sum of one dollar for each dog owned or kept by such person, which fee shall  
4 be collected at the same time and in the same manner as taxes upon personal property.  
5 In counties not under township organization, the collector shall pay the amount re-  
6 ceived from the licenses aforesaid to the treasurer of his county, and in counties  
7 under township organization, the sum so collected in each town shall be paid  
8 by the collector to the supervisor of his town, who shall first give to the people of the  
9 State of Illinois, for the use of the inhabitants of his town, a bond with at least two  
10 sureties, to be approved by the Board of Supervisors of his county in double the sum  
11 of such license fees in his town, conditioned that he will faithfully pay out said fund  
12 as hereinafter provided. Said bond shall be filed and remain in the office of the county  
13 clerk of the proper county.



§ 3. It shall be the duty of the county treasurers and supervisors having the custody of the funds collected as license fees as aforesaid, to pay the same out in the manner following:

First.—By such county treasurers to the owners of sheep in their respective counties, and by the supervisors to the owners of sheep in their respective towns, who shall make proof to them before the first Monday of March in each year, of loss or injury to sheep by dogs, other than their own, the full amount of loss or injury so proved, if there are funds sufficient to pay the same; if there be not sufficient funds to pay such loss or injury in full, then the owners of sheep so sustaining loss or injury as aforesaid, and making proof thereof, as in this act provided, shall be paid out of such fund in proportion to his or her loss or injury, his or her *pro rata* share thereof.

Second.—If there be a balance of such license fund left in the hands of the county treasurer, or town supervisor, after paying the losses and injuries sustained as aforesaid, such balance shall be paid to the county superintendent of schools of his county for the support of schools throughout his county, and by the supervisor of the town, in counties under township organization, into the general fund of the town, to be disposed of as such town shall deem proper.

§ 4. The payment to any owner of sheep of money for damages resulting from loss or injury to his or her sheep, shall not be a bar to an action by such owner against the owner or keeper of the dog or dogs committing such injury or causing such loss, for the recovery of damages therefor. The court or jury before whom such action is tried shall ascertain from evidence what portion, if any, of the damages sought to be recovered in such action, has been paid to the plaintiff in such action, by the county treasurer or supervisor of the proper county or town; and in case the plaintiff in such action recovers damages, the court shall enter judgment against the defendant, in the name of the plaintiff, for the use of the proper county or town, as the case may be, for the amount which the plaintiff has received on account of such damages from the county treasurer or supervisor of the proper county or town, if such recovery shall equal or exceed the amount so received by such plaintiff from the county treasurer, or town supervisor of his county or town; and the residue of such recovery, if any there be, shall be entered in the name of the plaintiff in such action to his own use; if the amount of the recovery in such action shall not equal the amount previously paid to the plaintiff

16 tiff on account of such damages by the county treasurer or the town supervisor of the  
 17 proper county or town, then the judgment shall be entered as aforesaid, for the use of  
 18 such county or town, for the full amount of such recovery. Writs of execution issued  
 19 upon such judgments shall show on their face what portion of the judgment is to be  
 20 paid to the proper county or town, and what portion is to be paid to the plaintiff in  
 21 such action, and the judgment when collected shall be paid over to the parties entitled  
 22 thereto, in their proper proportions.

§ 5. No owner of sheep shall be entitled to receive any portion of the fund herein  
 2 provided for, without first filing an affidavit with the county treasurer in counties not  
 3 under township organization, and in counties under township organization, with the  
 4 supervisor of the town in which his or her sheep were injured or destroyed, stating that  
 5 the name of the owner or keeper of the dog or dogs which destroyed or injured his or  
 6 her sheep, is unknown to him or her, or if known, then stating the name, and that such  
 7 owner or keeper is insolvent, and that the affiant has received no compensation from  
 8 such owner or keeper, or from any other person, for his or her damages aforesaid, which  
 9 affidavit may be made before any person authorized to administer oaths.

§ 6. For the purpose of ascertaining the value of all sheep killed or injured by any  
 2 dogs not owned or kept by the proprietor of such sheep, it shall be the duty of all per-  
 3 sons having sheep killed or injured as aforesaid, to notify the nearest justice of the  
 4 peace who can be found of such loss or injury within twenty-four hours after such loss  
 5 or injury is discovered; and thereupon the said justice of the peace shall immediately  
 6 summon three disinterested men, being freeholders, to act as appraisers of the value of  
 7 the sheep killed or injured as aforesaid. The said appraisers shall be sworn by the said  
 8 justice of the peace to make a true and correct estimate of the number and value of  
 9 the sheep killed or injured by dogs, so far as they may be able to ascertain the same.  
 10 The said justice of the peace shall receive from the said appraisers their estimate as  
 11 aforesaid, in writing, signed by them, and attach thereto his certificate, certifying that  
 12 the said appraisers were duly summoned by him upon the application of the owner of  
 13 the sheep killed or injured, or on the application of the agent of such owner, and shall,  
 14 within five days thereafter, file said estimate and certificate with the treasurer of his  
 15 county in counties not under township organization, and with the supervisor of the  
 16 town in which such sheep were killed or injured, in counties under township organiza-

tion; and said estimate and certificate, when so filed, shall be sufficient evidence of loss or damage by dogs, as aforesaid, and the license fund aforesaid in the hands of the treasurer or supervisor, shall be paid out thereupon on the first Monday of March in each year, as hereinbefore provided.

§ 7. The summons mentioned in the preceding section shall specify the time and place when and where said appraisers shall meet to discharge their duties, and shall be served by any constable of the proper county, who shall receive for his services the like fees as are given by law for serving like process in other cases before justices of the peace.

§ 8. The justices of the peace shall receive for issuing summons and administering oaths under this act, the same fees as are given by law for like services in other cases, and for making and filing certificate with the estimate of said appraisers, as herein provided for, the sum of one dollar. Appraisers under this act shall receive for their services the sum of two dollars each, per day, for every day's necessary attendance in making appraisements under this act. All fees given for services under this act, shall be paid by the treasurer or supervisor of the proper county or town, out of the fund created by this act, prior to its disposition as in the third section of this act provided.

§ 9. The word "dog," as used in this act, shall be held and construed to mean all animals of the canine species, both male and female.

(In House.)

1. Reported to House April 24, 1879.
2. First reading April 25, 1879, and referred to Committee on Agriculture.
3. Reported back, passage recommended, and ordered to second reading May 3, 1879.
4. Second reading, amended and ordered to third reading May 23, 1879.

## A BILL

For an act to indemnify the owners of sheep in cases of damage committed by dogs.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General*

*Assembly,* That each county and township assessor in this State, when making the assessment shall annually make a list of the names of all persons who own or keep a dog or dogs, and set opposite the name of such owner or keeper the number of dogs he or she has in his or her possession, or that is or are kept on his or her premises; which list shall be returned by such assessor to the county clerk of the county in which said list is taken as soon as the assessment is completed.

§ 2. The county clerk shall charge upon the collector's book against the name of each person reported and returned as the owner or keeper of a dog or dogs, as a license fee, the sum of one dollar for each dog owned or kept by such person, which fee shall be collected at the same time and in the same manner as taxes upon personal property. In counties not under township organization, the collector shall pay the amount received from the licenses aforesaid to the treasurer of his county, and in counties under township organization, the sum so collected in each town shall be paid by the collector to the supervisor of his town, who shall first give to the people of the State of Illinois, for the use of the inhabitants of his town, a bond with at least two sureties, to be approved by the Board of Supervisors of his county in double the sum of such license fees in his town, conditioned that he will faithfully pay out said fund as hereinafter

12 provided. Said bond shall be filed and remain in the office of the county clerk of the  
13 proper county.

§ 3. It shall be the duty of the county treasurers and supervisors having the custody  
2 of the funds collected as license fees as aforesaid, to pay the same out in the manner  
3 following:

4 First—By such county treasurers to the owners of sheep in their respective counties,  
5 and by the supervisors to the owners of sheep in their respective towns, who shall  
6 make proof to them before the first Monday in March in each year, of loss or injury to  
7 sheep by dogs, other than their own, the full amount of loss or injury so proved, if there  
8 are sufficient funds to pay the same; if there be not sufficient funds to pay such loss or  
9 injury in full, then the owners of sheep so sustaining loss or injury as aforesaid, and  
10 making proof thereof, as in this act provided, shall be paid out of such fund in propor-  
11 tion to his or her loss or injury, his or her *pro rata* share thereof.

12 Second—If there be a balance of such license fund left in the hands of the county  
13 treasurer, or town supervisor, after paying the losses and injuries sustained as aforesaid,  
14 such balance shall be paid to the county superintendent of schools of his county for the  
15 support of schools throughout his county, and by the supervisor of the town, in coun-  
16 ties under township organization, into the general fund of the town, to be disposed of  
17 as such town shall deem proper.

§ 4. The payment to any owner of sheep of money for damages resulting from loss  
2 or injury to his or her sheep, shall not be a bar to an action by such owner against the  
3 owner or keeper of the dog or dogs committing such injury, or causing such loss, for  
4 the recovery of damages therefor. The court or jury before whom such action is tried  
5 shall ascertain from evidence what portion, if any, of the damages sought to be recov-  
6 ered in such action, has been paid to the plaintiff in such action, by the county treasurer  
7 or supervisor of the proper county or town; and in case the plaintiff in such action re-  
8 covers damages, the court shall enter judgment against the defendant, in the name of  
9 the plaintiff, for the use of the proper county or town, as the case may be, for the  
10 amount which the plaintiff has received on account of such damages from the county  
11 treasurer or supervisor of the proper county or town, if such recovery shall equal or  
12 exceed the amount so received by such plaintiff from the county treasurer, or town  
13 supervisor of his county or town; and the residue of such recovery, if any there be,

14 shall be entered in the name of the plaintiff in such action to his own use; if the amount  
 15 of the recovery in such action shall not equal the amount previously paid to the plain-  
 16 tiff on account of such damages by the county treasurer or the town supervisor of the  
 17 proper county or town, then the judgment shall be entered as aforesaid, for the use of  
 18 such county or town, for the full amount of such recovery. Writs of execution issued  
 19 upon such judgments shall show on their face what portion of the judgment is to be  
 20 paid to the proper county or town, and what portion is to be paid to the plaintiff in  
 21 such action, and the judgment when collected shall be paid over to the parties entitled  
 22 thereto, in their proper proportions.

§ 5. No owner of sheep shall be entitled to receive any portion of the fund herein  
 2 provided for, without first filing an affidavit with the county treasurer in counties not  
 3 under township organization, and in counties under township organization, with the  
 4 supervisor of the town in which his or her sheep were injured or destroyed, stating that  
 5 the name of the owner or keeper of the dog or dogs which destroyed or injured his or  
 6 her sheep, is unknown to him or her, or if known, then stating the name, and that such  
 7 owner or keeper is insolvent, and that the affiant has received no compensation from  
 8 such owner or keeper, or from any other person, for his or her damages aforesaid, which  
 9 affidavit may be made before any person authorized to administer oaths.

§ 6. For the purpose of ascertaining the value of all sheep killed or injured by any  
 2 dogs not owned or kept by the proprietor of such sheep, it shall be the duty of all per-  
 3 sons having sheep killed or injured as aforesaid, to notify the nearest justice of the  
 4 peace who can be found, of such loss or injury within twenty-four hours after such loss  
 5 or injury is discovered; and thereupon the said justice of the peace shall immediately  
 6 summon three disinterested men, being freeholders, to act as appraisers of the value of  
 7 the sheep killed or injured as aforesaid. The said appraisers shall be sworn by the said  
 8 justice of the peace to make a true and correct estimate of the number and value of  
 9 the sheep killed or injured by dogs, so far as they may be able to ascertain the same.  
 10 The said justice of the peace shall receive from the said appraisers their estimate as  
 11 aforesaid, in writing, signed by them, and attach thereto his certificate, certifying that  
 12 the said appraisers were duly summoned by him upon the application of the owner of  
 13 the sheep killed or injured, or on the application of the agent of such owner, and shall  
 14 within five days thereafter, file said estimate and certificate with the treasurer of his

15 county in counties not under township organization, and with the supervisor of the  
16 town in which such sheep were killed or injured, in counties under township organiza-  
17 tion; and said estimate and certificate, when so filed, shall be sufficient evidence of loss  
18 or damage by dogs, as aforesaid, and the license fund aforesaid in the hands of the  
19 treasurer or supervisor, shall be paid out thereupon on the first Monday of March in  
20 each year, as hereinbefore provided.

§ 7. The summons mentioned in the preceding section shall specify the time and  
2 place when and where said appraisers shall meet to discharge their duties, and shall be  
3 served by any constable of the proper county, who shall receive for his services the like  
4 fees as are given by law for serving like process in other cases before justices of the  
5 peace.

§ 8. The justices of the peace shall receive for issuing summons and administering  
2 oaths under this act, the same fees as are given by law for like services in other cases,  
3 and for making and filing certificate with the estimate of said appraisers, as herein  
4 provided for, the sum of one dollar. Appraisers under this act shall receive for  
5 their services the sum of two dollars each, per day, for every day's necessary atten-  
6 dance in making appraisements under this act. All fees given for services under this  
7 act, shall be paid by the treasurer or supervisor of the proper county or town, out of  
8 the fund created by this act, prior to its disposition, as in the third section of this act  
9 provided.

§ 9. The word "dog," as used in this act, shall be held and construed to mean all  
2 animals of the canine species, both male and female.

1. Introduced by Mr. DEARBORN, Jan. 31, 1879, and ordered to First Reading.
2. First Reading Feb. 1, 1879, and referred to Committee on Corporations.
3. Reported back, Passage Recommended, and ordered to Second Reading Feb. 27, 1879.

## A BILL

For an Act concerning religious corporations.

SECTION 1. *Be it enacted by the People in the State of Illinois, represented in the*

*General Assembly,* That any diocesan convention, council, synod, presbytery, conference, association, consociation or other general organization for ecclesiastical or religious purposes existing in any church or religious denomination in this state, and which according to the polity, canons, customs or usages of such church or denomination is composed of, or represents, several parishes, congregations or particular churches, may organize as, or form, a corporation with perpetual succession, in the manner hereinafter provided.

§ 2. Any such convention, council, synod, presbytery, conference, association, consociation or other general organization for ecclesiastical purposes, desiring to organize as, or form, a corporation under the act may adopt a canon or resolution, in which shall be stated:

1. Its purpose to organize and form a corporation under this act.
2. The name of such proposed corporation.
3. The name of the ecclesiastical body, church or denomination so forming such corporation, and the district or territorial limits over which it exercises jurisdiction.
4. The official titles of the officers (such as president, trustees or otherwise) by whom the powers of such corporation are to be exercised;
5. By whom, and the manner in which such officers shall be elected or appointed, and the length of their official terms respectively; *provided*, that the convention or other ecclesiastical body organizing such corporation may, if it so elects, declare that its diocesan or other chief ecclesiastical officer may *ex-officio* be a member and the president of such board of trustees, or other body of officers so elected or appointed to exercise the powers of such corporation:



17 6. The names and post office address of those appointed or elected as the first  
18 board of trustees or other officers.

19 7. A specification of the powers which may be exercised by such board of  
20 trustees, or other officers, not in conflict with laws of the state.

§ 3. A copy of such resolutions or canon certified to by the presiding officer of the  
21 body passing the same and attested and verified by the affidavit of its clerk or  
22 secretary, may be filed in the office of the Secretary of State; and upon such filing,  
23 such corporation shall from thenceforth be deemed to be duly formed and organized.  
24 It shall be the duty of the Secretary of State to record in a suitable book to be kept  
25 for that purpose all such resolutions or canons, so attested and certified and filed in  
26 his office, and to keep a registry of all corporations formed under this act.

§ 4. The convention or other body forming or organizing such corporation, and  
27 its successors, may by the adoption of canons or resolutions, amend and modify the  
28 canon or resolutions under which such corporation was organized, in such manner  
29 as it may think proper so only as not to conflict with the laws of this state. Such  
30 amendment attested and certified to as above, shall be filed in the office of the Sec-  
31 retary of State, before the same shall take effect; and shall be recorded therein in  
32 like manner as the original.

§ 5. Any corporation formed under this act may acquire real and personal  
33 property by purchase, gift, grant, devise and bequest, and may own and hold the  
34 same for religious, charitable and educational purposes; and may, as trustee, also  
35 be vested with and hold the title to such property as may be conveyed to or vested  
36 in it as trustee for religious, charitable or educational purposes, for the use of any  
37 particular parish, church, society, or congregation connected therewith. And any  
38 property now held in trust by any person, corporation or trustees for the use and  
39 benefit of the religious body or organization forming a corporation under this act, or  
40 any of its component parts, may with the consent of the beneficiary, be conveyed to  
41 and the title thereto vested in the corporation so organized under this act as the suc-  
42 cessor in such trust.

§ 6. No corporation organized under this act shall have power to contract any  
43 debt, or do any act which shall create a lien upon or in any manner incumber any  
44 property the title to which shall have been vested in it in trust or otherwise.

1. Introduced by Mr. Dearborn, January 31, and ordered to first reading.
2. First reading February 1, and referred to Committee on Corporations.
3. Reported back, passage recommended and ordered to second reading Feb. 27.
4. March 25, second reading, amended and ordered to third reading.

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## A BILL

For an act concerning Religious Corporations.

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SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly, That any diocesan convention, council, synod, presbytery, conference, association, consociation or other general organization for ecclesiastical or religious purposes, existing in any church or religious denomination in this State, and which, according to the polity, canons, customs or usages of such church or denomination, is composed of, or represents, several parishes, congregations or particular churches, may organize as, or form, a corporation, with perpetual succession, in the manner hereinafter provided.*

§ 2. Any such convention, council, synod, presbytery, conference, association, consociation or other general organization for ecclesiastical purposes, desiring to organize as, or form, a corporation under this act, may adopt a canon or resolution, in which shall be stated—

First—Its purpose to organize and form a corporation under this act.

Second—The name of such proposed corporation.

Third—The name of the ecclesiastical body, church or denomination so forming such corporation, and the district or territorial limits over which it exercises jurisdiction.

10 Fourth—The official titles of the officers (such as president, trustees or otherwise) by  
11 whom the powers of such corporation are to be exercised.

12 Fifth—By whom and the manner in which such officers shall be elected or appointed,  
13 and the length of their official terms, respectively: *Provided*, that the convention or  
14 other ecclesiastical body organizing such corporation may, if it so elects, declare that  
15 its diocesan or other chief ecclesiastical officer may, *ex-officio*, be a member and the presi-  
16 dent of such board of trustees or other body of officers so elected or appointed to exer-  
17 cise the powers of such corporation.

18 Sixth—The names and post office address of those appointed or elected as the first  
19 board of trustees or other officers.

20 Seventh—A specification of the powers which may be exercised by such board of  
21 trustees or other officers, not in conflict with laws of this State.

§ 3. A copy of such resolutions or canon certified to by the presiding officer of the  
2 body passing the same and attested and verified by the affidavit of its clerk or secretary,  
3 may be filed in the office of the Secretary of State, and the Secretary of State shall  
4 thereupon issue a certificate of incorporation as provided in cases of other incorporated  
5 societies or associations; and upon such filing, such corporation shall from thenceforth  
6 be deemed to be fully formed and organized. It shall be the duty of the Secretary of  
7 State to record in a suitable book to be kept for that purpose all such resolutions or  
8 canons, so attested and certified and filed in his office, and to keep a registry of all cor-  
9 porations formed under this act; and the said canon or resolution, together with the  
10 certificate of the Secretary of State, shall be duly recorded in the recorder's office in the  
11 county in which said corporation is organized.

§ 4. The convention or other body forming or organizing such corporation, and its  
2 successors, may by the adoption of canons or resolutions, amend and modify the canon  
3 or resolutions under which such corporation was organized, in such manner as it may  
4 think proper so only as not to conflict with the laws of this State. Such amendment  
5 attested and certified to as above, shall be filed in the office of the Secretary of State,  
6 before the same shall take effect, and shall be recorded therein in like manner as the  
7 original.

§ 5. Any corporation formed under this act may acquire real and personal property  
2 by purchase, gift, grant, devise and bequest, and may own and hold the same for re-

3 ligious, charitable and educational purposes; and may, as trustee, also be vested with  
 4 and hold the title to such property as may be conveyed to or vested in it as trustee for  
 5 religious, charitable or educational purposes, for the use of any particular parish,  
 6 church, society or congregation connected therewith. And any property now held in  
 7 trust by any person, corporation or trustees for the use and benefit of the religious  
 8 body or organization forming a corporation under this act, or any of its component  
 9 parts, may with the consent of the beneficiary, be conveyed to and the title thereto  
 10 vested in the corporation so organized under this act as the successor in such trust.

§ 6. No corporation organized under this act shall have power to contract any debt,  
 2 or do any act which shall create a lien upon or in any manner incumber any property  
 3 the title to which shall have been vested in it in trust or otherwise: *Provided*, this act  
 4 is subject to any limitation or modification which may be hereafter enacted by general  
 5 law as to the amount of real estate and personal property to be held by the corpora-  
 6 tions respectively provided for herein for religious or educational purposes.



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(In House.)

1. Reported to House April 26, 1879.
2. First reading April 28, and ordered to second reading.

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**A BILL**

For an act concerning Religious Corporations.

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SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That any diocesan convention, council, synod, presbytery, conference, association, consociation or other general organization for ecclesiastical or religious purposes, existing in any church or religious denomination in this State, and which, according to the polity, canons, customs or usages of such church or denomination, is composed of, or represents, several parishes, congregations or particular churches may organize as, or form, a corporation, with perpetual succession, in the manner hereinafter provided.

§ 2. Any such convention, council, synod, presbytery, conference, association, consociation or other general organization for ecclesiastical purposes, desiring to organize as, or form, a corporation under this act, may adopt a canon or resolution, in which shall be stated—

First—Its purpose to organize and form a corporation under this act.

Second—The name of such proposed corporation.

Third—The name of the ecclesiastical body, church or denomination so forming such corporation, and the district or territorial limits over which it exercises jurisdiction.

Fourth—The official titles of the officers (such as president, trustees or otherwise) by whom the powers of such corporation are to be exercised.

11 Fifth- By whom and the manner in which such officers shall be elected or ap-  
 12 pointed, and the length of their official terms, respectively: *Provided*, that the con-  
 13 vention or other ecclesiastical body organizing such corporation may, if it so elects,  
 14 declare that its diocesan or other chief ecclesiastical officer may, *ex-officio*, be a member  
 15 and the president of such board of trustees or other body of officers so elected or  
 16 appointed to exercise the powers of such corporation.

17 Sixth-The names and post-office address of those appointed or elected as the first  
 18 board of trustees or other officers.

19 Seventh-A specification of the powers which may be exercised by such board of  
 20 trustees or other officers, not in conflict with the laws of this State.

§ 3. A copy of such resolution or canon certified to by the presiding officer of the  
 2 body passing the same and attested and verified by the affidavit of its clerk or secretary,  
 3 may be filed in the office of the Secretary of State, and the Secretary of State shall  
 4 thereupon issue a certificate of incorporation as provided in cases of other incorporated  
 5 societies or associations; and, upon such filing, such corporation shall from thenceforth  
 6 be deemed to be duly formed and organized. It shall be the duty of the Secretary of  
 7 State to record in a suitable book to be kept for that purpose all such resolutions or  
 8 canons, so attested and certified and filed in his office, and to keep a registry of all cor-  
 9 porations formed under this act, and the said canon or resolution, together with the  
 10 certificate of the Secretary of State, shall be duly recorded in the recorder's office in the  
 11 county in which said corporation is organized.

§ 4. The convention or other body forming or organizing such corporation, and its  
 2 successors, may by the adoption of canons or resolutions, amend and modify the canon  
 3 or resolutions under which such corporation was organized, in such manner as it may  
 4 think proper so only as not to conflict with the laws of this State. Such amendment  
 5 attested and certified to as above, shall be filed in the office of the Secretary of State,  
 6 before the same shall take effect, and shall be recorded therein in like manner as the  
 7 original.

§ 5. Any corporation formed under this act may acquire real and personal property  
 2 by purchase, gift, grant, devise and bequest, and may own and hold the same for re-  
 3 ligious, charitable and educational purposes; and may, as trustee, also be vested with  
 4 and hold the title to such property as may be conveyed to or vested in it as trustee for

5 religious, charitable or educational purposes, for the use of any particular parish,  
6 church, society or congregation connected therewith; and any property now held in  
7 trust by any person, corporation or trustees, for the use and benefit of the religious  
8 body or organization forming a corporation under this act, or any of its component  
9 parts, may, with the consent of the beneficiary, be conveyed to and the title thereto  
10 vested in the corporation so organized under this act as the successor in such trust.

§ 6. No corporation organized under this act shall have power to contract any debt,  
2 or do any act which shall create a lien upon or in any manner incumber any property  
3 the title to which shall have been vested in it in trust or otherwise: *Provided*, this act  
4 is subject to any limitation or modification which may be hereafter enacted by general  
5 law as to the amount of real estate and personal property to be held by the corpora-  
6 tions, respectively, provided for herein for religious or educational purposes.





1. Introduced by Mr. Mayborne Feb. 1, 1879, and ordered to first reading.
2. First reading Feb. 1, 1879, and referred to Committee on State Charitable Institutions.
3. March 6, 1879, reported back with amendments, passage recommended and referred to Committee on Appropriations.
4. March 7, 1879, reported back with amendments, passage recommended and ordered to second reading.

Amendments to Senate Bill 162, reported from the Committees on State Charitable Institutions and Appropriations.

Section 1, amend item for ordinary expenses by substituting for words "one hundred and three thousand two hundred and fifty dollars (\$103,250) the words "one hundred thousand dollars (\$100,000)."

Section 1, amend by striking out "for new washing machine, four hundred and twenty-five dollars (\$425)."

Section 1, amend by striking out "for Baldwin's Steam Mangle, four hundred and fifty dollars (\$450)."

Section 1, Amend by striking out "for new piggery, nine hundred and nine dollars and fifty cents (\$909 50)," and strike out also "for sheds between horse and straw barns, six hundred dollars (\$600)."

Section 1, amend by striking out "for changing highway, moving fence, gateway, twelve hundred dollars (1,200)."

Section 1, amend item for improvement of grounds, shade and fruit trees, by substituting for words "one thousand dollars (\$1,000)," the words "five hundred dollars (\$500)," and amend by substituting for the words "for artesian well," four thousand dollars (4,000)," the words "for relaying and replacing water pipe, two thousand dollars, (\$2,000)."

Section 1, amend by striking out the item "for lightning rods on new building, four hundred and ninety-seven dollars and twenty-five cents (\$497 25)."

Section 1, amend by striking out "for increase of library, five hundred dollars (\$500) per annum," also amend by striking out "for musical instruments and pictures, one thousand dollars (\$1,000)."

23 Amend section one, line fifteen of written bill, by striking out the words "five  
24 thousand" (\$5,000), and inserting in lieu thereof the words "four thousand" (\$4,000).

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### A BILL

For an act making appropriations for the ordinary and other expenses of the Illinois  
Northern Hospital for the Insane, at Elgin.

---

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General*

2 *Assembly, That the following amounts be and are hereby appropriated to the North-*  
3 *ern Hospital for the Insane, at Elgin, for the purposes herein named, and for no*  
4 *other:*

5 For ordinary expenses, the sum of one hundred and three thousand two hundred  
6 and fifty dollars (\$103,250) per annum, payable quarterly, in advance, from the first  
7 day of July 1879, until after the expiration of the first fiscal quarter after the ad-  
8 journment of the next General Assembly.

9 For repairs, five thousand dollars (\$5,000) dollars per annum.

10 For new washing machine, four hundred and twenty-five dollars (\$425).

11 For Baldwin Steam Mangle, four hundred and fifty dollars (\$450).

12 For one elevator for laundry, five hundred dollars (\$500).

13 For new piggery, nine hundred and nine dollars and fifty cents (\$909 50).

14 For sheds between horse and straw barns, six hundred dollars (\$600).

15 For new fan shafting, extension of air duct, seven hundred and seventeen dollars  
16 and twenty-five cents (\$717 25).

17 For gallery in amusement hall, seven hundred and ninety-six dollars (\$796).

18 For changing highway, moving fence, gateway, twelve hundred dollars (\$1,200).

19 For improvement of grounds, shade and fruit trees, one thousand dollars (\$1,000)  
20 per annum.

- 21 For Artesian well, four thousand dollars, (\$4,000).
- 22 For microscope, instruments and other appliances for Pathological Laboratory,
- 23 one thousand dollars (\$1,000).
- 24 For Metallic blinds for cottages, four hundred and eighty dollars (\$480).
- 25 For lightning rods on new buildings, four hundred and nine-seven dollars and
- 26 twenty-five cents (\$497 25).
- 27 For hose, Babcock extinguishers and other fire apparatus, one thousand one hun-
- 28 dred and eleven dollars (\$1,111).
- 29 For increase of library, five hundred dollars (\$500) per annum.
- 30 For musical instruments and pictures, one thousand dollars (\$1,000).
- 31 For one engine with foundation, sixteen hundred dollars (\$1,600).
- 32 For machinery for carpenter shop, sixteen hundred any twenty seven dollars
- 33 (\$1,627).
- 34 For machinery for engineer's shop, seven hundred and sixteen dollars (\$716).

§ 2. The Auditor of Public Accounts is hereby authorized to draw his warrant

2 upon the Treasurer for the money herein appropriated upon the order of the board of

3 trustees of said Institution, signed by the president and attested by the Secretary,

4 with the seal of the Institution thereto affixed, subject to the limitation and conditions

5 in sections eighteen (18), nineteen (19) and twenty (20) of an act entitled "An act to

6 regulate the State Charitable Institutions and the State Reform School, and to im-

7 prove their organization, and increase their efficiency," approved April 15, 1875.



1. Introduced by Mr. Mayborne February 1, 1879, and ordered to first reading.
2. First reading February 1, and referred to Committee on State Charitable Institutions.
3. March 6, reported back with amendments, passage recommended and referred to Committee on Appropriations.
4. March 7, reported back with amendments, passage recommended and ordered to second reading.
4. April 8, second reading, amended, and ordered to third reading.

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## A BILL

For an act making appropriations for the ordinary and other expenses of the Illinois Northern Hospital for the Insane, at Elgin.

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SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General*

- 2 *Assembly, That the following amounts be and are hereby appropriated to the Northern*  
3 *Hospital for the Insane, at Elgin, for the purposes herein named, and for no other:*
- 4     For ordinary expenses, the sum of one hundred thousand dollars (\$100,000) per an-  
5 num, payable quarterly, in advance, from the first day of July 1879, until after the ex-  
6 piration of the first fiscal quarter after the adjournment of the next General Assembly.
- 7     For repairs, four thousand dollars (\$4,000) per annum.
- 8     For one elevator for laundry, five hundred dollars (\$500).
- 9     For new fan shafting, extension of air duct, seven hundred and seventeen dollars and  
10 twenty-five cents (\$717 25).
- 11     For gallery in amusement hall, seven hundred and ninety-six dollars (\$796).
- 12     For improvement of grounds, shade and fruit trees, five hundred dollars (\$500) per  
13 annum.
- 14     For relaying and replacing water pipe, two thousand dollars' (\$2,000).
- 15     For microscope, instruments and other appliances for Pathological Laboratory, one  
16 thousand dollars (\$1,000).

- 17 For Metallic blinds for cottages, four hundred and eighty dollars (\$480).
- 18 For hose, Babcock extinguishers and other fire apparatus, one thousand one hun-
- 19 dred and eleven dollars (\$1,111).
- 20 For one engine with foundation, sixteen hundred dollars (\$1,600).
- 21 For machinery for carpenter shop, sixteen hundred and twenty seven dollars (\$1,627).
- 22 For machinery for engineer's shop, seven hundred and sixteen dollars (\$716).

§ 2. The Auditor of Public Accounts is hereby authorized to draw his warrant  
 3 upon the Treasurer for the money herein appropriated upon the order of the board of  
 4 trustees of said Institution, signed by the president and attested by the secretary, with  
 5 the seal of the Institution thereto affixed, subject to the limitation and conditions in  
 6 sections eighteen (18), nineteen (19), and twenty (20) of an act entitled "An act to  
 7 regulate the State Charitable Institutions and the State Reform School, and to improve  
 8 their organization, and increase their efficiency," approved April 15, 1875.

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(In House.)

1. Reported to House April 18, 1879.
  2. First reading April 18, and referred to Committee on Appropriations.
  3. Reported back with amendments, passage recommended and ordered to second reading, May 7.
  4. Second reading, amended and ordered to third reading.
- 

Amendments to Senate Bill No. 162, offered by Committee on Appropriations May 7, 1879.

Amend section one by striking out the words and figures "four thousand dollars  
2 (\$4,000)," in line seven of printed bill, and insert in lieu thereof the words and figures  
3 "five thousand dollars (\$5,000)."

4 Amend same section by adding at the end of line nineteen of printed bill the words,  
5 "For thermostats one thousand dollars (\$1,000)."

6 Amend by adding to same section the words, "For sheds between horse and stray  
7 barn, five hundred dollars (\$500); for paying Smith Hoag for materials and labor on  
8 brick and frame cottages, boiler house, refrigerator house, air-ducts and sewers, the sum  
9 of twelve hundred dollars (\$1,200)."

10 Amend same section by striking out in line eight of printed bill the words and fig-  
11 ures, "For one elevator for laundry, five hundred dollars (\$500)."

12 Amend same section by striking out the words "For new fan shafting, extension of  
13 air-duct, seven hundred and seventeen dollars and twenty-five cents (\$717 25)," in lines  
14 nine and ten of printed bill.

15 Amend same section by striking out the words, "For microscope, instruments and  
16 other appliances for Pathological Laboratory, one thousand dollars (\$1,000)," in lines  
17 fifteen and sixteen of printed bill.

W. B. TAYLOR, Clerk.



**A BILL.**

**For an act making appropriations for the ordinary and other expenses of the Illinois Northern Hospital for the Insane, at Elgin.**

---

**SECTION 1.** *Be it enacted by the People of the State of Illinois, represented in the General*

**Assembly,** That the following amounts be and are hereby appropriated to the Northern Hospital for the Insane, at Elgin, for the purposes herein named, and for no other:

**For ordinary expenses,** the sum of one hundred thousand dollars (\$100,000) per annum, payable quarterly, in advance, from the first day of July, 1879, until after the expiration of the first fiscal quarter after the adjournment of the next General Assembly.

**For repairs,** four thousand dollars (\$4,000) per annum.

**For one elevator for laundry,** five hundred dollars (\$500).

**For new fan shafting, extension of air duct,** seven hundred and seventeen dollars and twenty-five cents (\$717 25).

**For gallery in amusement hall,** seven hundred and ninety-six dollars (\$796).

**For improvement of grounds, shade and fruit trees,** five hundred dollars (\$500) per annum.

**For relaying and replacing water pipe,** two thousand dollars (\$2,000).

**For microscope, instruments and other appliances for Pathological Laboratory,** one thousand dollars (\$1,000).

**For metallic blinds for cottages,** four hundred and eighty dollars (\$480).

**For hose, Babcock extinguishers and other fire apparatus,** one thousand one hundred and eleven dollars (\$1,111).

**For one engine with foundation,** sixteen hundred dollars (\$1,600).

**For machinery for carpenter shop,** sixteen hundred and twenty-seven dollars (\$1,627).

**For machinery for engineer's shop,** seven hundred and sixteen dollars (\$716).

**§ 2.** The Auditor of Public Accounts is hereby authorized to draw his warrant upon the Treasurer for the money herein appropriated upon the order of the board of trustees of said Institution, signed by the president and attested by the secretary, with

4 the seal of the Institution thereto affixed, subject to the limitation and conditions in  
5 sections eighteen (18), nineteen (19) and twenty (20) of an act entitled "An act to  
6 regulate the State Charitable Institutions and the State Reform School, and to improve  
7 their organization and increase their efficiency," approved April 15, 1875.



(In House.)

1. Reported to House April 19, 1879.
2. First reading April 19, and referred to Committee on Appropriations.
3. Reported back with amendments, passage recommended and ordered to second reading May 7.

Amendments to Senate Bill No. 162, offered by Committee on Appropriations April 7, 1879

Amend section 1, by adding after the word "dollars," in twenty-seventh line of  
 2 written bill, the words "for thermostats, one thousand dollars (\$1,000)."  
 3 Amend by adding to same section the words: "For sheds between horse and straw  
 4 barn, five hundred dollars (\$500); for paying Smith Hoag for materials and labor on  
 5 brick and frame cottages, boiler house, refrigerator house, airducts and sewers, the sum  
 6 of twelve hundred dollars (\$1,200)."

W. B. TAYLOR, Clerk.



(In House.)

1. Reported to House April 19, 1879.
- First reading April 19, and referred to Committee on Appropriations.
3. Reported back with amendments, passage recommended, and ordered to second reading May 7.

Amendments to Senate Bill No. 162, offered by Committee on Appropriations April 7, 1879.

Amend section one by adding after the word "dollars" in twenty-seventh line of written bill, the words "for thermostate, one thousand dollars, (\$1,000)."

Amend by adding to same section, the words "For sheds between horse and straw barn, five hundred dollars (\$500); for paying Smith Hoag for materials and labor on brick and frame cottages, boiler house, refrigerator house, airducts and sewers, the sum of twelve hundred dollars (\$1,200)."

W. B. TAYLOR, Clerk.

## A BILL

For an act making appropriations for the ordinary and other expenses of the Illinois Northern Hospital for the Insane, at Elgin:

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly, That the following amounts be and are hereby appropriated to the Northern Hospital for the Insane, at Elgin, for the purposes herein named, and for no other:*

For ordinary expenses, the sum of one hundred thousand dollars (\$100,000) per annum, payable quarterly, in advance, from the first day of July 1879, until after the ex-

6 piration of the first fiscal quarter after the adjournment of the next General Assembly.

7 For repairs, four thousand dollars (\$4,000) per annum.

8 For one elevator for laundry, five hundred dollars (\$500).

9 For new fan shutting, extension of air duct, seven hundred and seventeen dollars  
10 and twenty-five cents (\$717 25).

11 For gallery in amusement hall, seven hundred and ninety-six dollars (\$796).

12 For improvement of grounds, shade and fruit trees, five hundred dollars (\$500) per  
13 annum.

14 For relaying and replacing water pipe, two thousand dollars (\$2,000).

15 For microscope, instruments and other appliances for Pathological Laboratory, one  
16 thousand dollars (\$1,000).

17 For Metallic blinds for cottages, four hundred and eighty dollars (\$480).

18 For hose, Babcock extinguishers and other fire apparatus, one thousand one hun-  
19 dred and eleven dollars (\$1,111).

20 For one engine with foundation, sixteen hundred dollars (\$1,600).

21 For machinery for carpenter shop, sixteen hundred and twenty-seven dollars (\$1,627).

22 For machinery for engineer's shop, seven hundred and sixteen dollars (\$716).

§ 2. The Auditor of Public Accounts is hereby authorized to draw his warrant  
2 upon the Treasurer for the money herein appropriated upon the order of the board of  
3 trustees of said Institution, signed by the president and attested by the secretary, with  
4 the seal of the Institution thereto affixed, subject to the limitation and conditions in  
5 sections eighteen (18), nineteen (19), and twenty (20) of an act entitled "An act to  
6 regulate the State Charitable Institutions and the State Reform School, and to improve  
7 their organization, and increase their efficiency," approved April 16, 1876.

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(In House.)

1. Reported to House April 19, 1879.
2. First reading April 19, and referred to Committee on Appropriations.
3. Reported back with amendments, passage recommended, and ordered to second reading May 7.
4. Second reading, amended, and ordered to third reading May 22.

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Amendment to Senate Bill No. 182, offered and adopted May 22, 1879.

Amend second amendment offered by Committee on Appropriations by inserting the  
2 words "telephone communication with city," and before the word "thermostate" and  
3 after the word "for."

W. B. TAYLOR, Clerk.





1. Introduced by Mr. Maybourne February 1, 1879, and ordered to first reading.
2. First reading February 1, and referred to Committee on Agriculture and Dairying.
3. Reported back with amendments, passage recommended, and ordered to second reading, April 3.
4. May 5, second reading, amended, ordered third reading.

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## A BILL

For an act to organize the Illinois State Dairymen's Association.

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Enacted 1. *Be it enacted by the People of the State of Illinois, represented in the General*  
2 *Assembly,* That the organization known as the Illinois State Dairymen's Association is  
3 hereby made and declared to be a public corporation of the State.

§ 2. The objects of the Illinois State Dairymen's Association shall be to foster and  
2 promote the dairy interests of the State, and in pursuance thereof it may buy and own  
3 real estate, and buy and sell personal property and transact all other business necessary  
4 to promote the interest of said corporation.

§ 3. The affairs of the Illinois State Dairymen's Association shall be managed by an  
2 executive board, to consist of the president, treasurer and five directors: *Provided,* that  
3 not more than two of said directors shall be from any one county.

§ 4. The executive board of the Illinois State Dairymen's Association shall have the  
2 sole care and disposal of all funds that may be appropriated for the use of the Associa-  
3 tion by the General Assembly, or that may come to the Association from other sources,  
4 and shall expend the same in such manner as will, in their judgment, best promote the  
5 dairy interests of the State. They shall meet at Springfield, on the third Wednesday  
6 in January, 1881, and biennially thereafter. They shall biennially render to the Gov-  
7 ernor of the State, through the Department of Agriculture, a detailed statement of all

8 funds received from the State, and from all other sources, and of all expenditures made  
9 by them, and the specific objects in detail for which said sums were expended.

§ 5. The Illinois State Dairymen's Association shall hold meetings annually, or of  
2 tener, at such times and places as it may determine. At the first meeting after the pas-  
3 sage of this act, and at each regular biennial meeting thereafter, its officers and executive  
4 board for the ensuing term may be chosen, who shall hold their offices for the term of two  
5 years, or until their successors are elected and qualified. As many vice presidents may  
6 be elected as the Association may determine and in event of the death, inability, refusal  
7 or neglect of the president to act, the vice presidents shall succeed to the office of presi-  
8 dent in the order of their election. The executive board shall render to the association  
9 annually, a full report of their action throughout the year, including such experiments  
10 as they may have made in the breeding and feeding of milch cows, and in the various  
11 branches of dairying, and in the manufacture and preservation of dairy products,  
12 and such other information as they may deem of value; and shall, at the expense of  
13 the association, promptly publish the transaction of the association, and from time to  
14 time, such circulars of information as they may think advantageous to the various  
15 branches of the industry they represent.

§ 6. The executive board shall make no expenditures beyond the amount appropria-  
2 ted by the State to the use of the association, and the funds actually in hand from other  
3 sources and in no event whatever shall the State of Illinois be held liable or responsi-  
4 ble for any debt, obligation or contract made by the Illinois State Dairymen's Associa-  
5 tion or its executive board.

§ 7. The executive board shall receive their actual expense of travel and subsist-  
2 ence while attending upon the necessary business of the Association, but no other al-  
3 lowance or compensation, whatever.

§ 8. The executive board of the Illinois State Dairymen's Association may appoint  
2 a secretary, not one of their number, at such salary as they may deem proper, and  
3 the Association or its executive board may adopt all necessary by-laws not incon-  
4 sistent with this act or the laws of the State of Illinois.

1. Introduced by Mr. Joslyn Feb. 1, 1879, and ordered to first reading.
2. First reading Feb. 1, 1879, and referred to Committee on Penal and Reformatory Institutions.
3. Reported back with amendment, passage recommended, and ordered to second reading Feb. 27, 1879.

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Amendment reported by the Committee on Penal and Reformatory Institutions,

February 27, 1879.

Amend by inserting the words "section eleven" after the word "amend" in the first  
2 line of the title of the bill.

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### A BILL

For an act to amend an act entitled "An Act to locate, construct and carry on the Southern  
Illinois Penitentiary," approved May 24, 1877.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General  
2 Assembly, That section eleven (11) of an act entitled "An Act to locate, construct and  
3 carry on the Southern Illinois Penitentiary," approved May 24, 1877, be amended so as  
4 to read as follows :*

SECTION 11. *Whenever the said penitentiary is ready for the accommodation and  
2 safe keeping of convicts, the said commissioners or a majority of them shall certify that  
3 fact to the Secretary of State, and thereupon the Secretary of State shall notify all the  
4 judges of the Circuit Courts and other courts having criminal jurisdiction, in the coun-  
5 ties lying south of the following tier of counties, to-wit: Iroquois, Ford, Livingston,  
6 Woodford, Peoria, Knox, Warren and Henderson, and after such notice, all convicts  
7 sentenced to the penitentiary in the counties aforesaid, shall be committed to the peni-  
8 tentiary provided for by this act: Provided, that the authorities in charge of the South-*

9 ern Illinois Penitentiary and the one at Joliet may, with the approval of the Governor,  
10 make such exchange of prisoners from one building to the other as good discipline and  
11 the interest of the State may require, and, *provided, further, that* the Governor may, from  
12 time to time, change the boundary of the penitentiary districts in such manner as to  
13 make the size of the districts bear due proportion to the capacity of the prisons therein.  
14 When he deems such change to be necessary he shall certify the same to the Secretary  
15 of State designating the counties which are to be changed from one district to the  
16 other, and thereupon the Secretary of State shall notify the judges and clerks of all  
17 courts having criminal jurisdiction in the counties affected by the change, and after  
18 such notice, all convicts sentenced to the penitentiary in such counties, shall be com-  
19 mitted to the prison of the district in which the county has been placed.

§ 2. WHEREAS, an emergency exists, therefore this act shall take effect and be in  
2 force from and after its passage.

1. Introduced by Mr. Joslyn February 1, 1879, and ordered to first reading.
2. First reading February 1, 1879, and referred to Committee on Penal and Reformatory institutions.
3. Reported back with amendment, passage recommended, and ordered to second reading February 27, 1879.
4. March 15, second reading, amended and ordered to third reading.

## A BILL

For an act to amend section eleven of an act entitled "An Act to locate, construct and carry on the Southern Illinois Penitentiary," approved May 24, 1877.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That section eleven (11) of an act entitled "An Act to locate, construct and carry on the Southern Illinois Penitentiary," approved May 24, 1877, be amended so as to read as follows:*

SECTION 11. Whenever the said penitentiary is ready for the accommodation and safe keeping of convicts, the said commissioners or a majority of them shall certify that fact to the Secretary of State, and thereupon the Secretary of State shall notify all the judges of the Circuit Courts and other courts having criminal jurisdiction in the counties lying south of the following tier of counties, to-wit: Iroquois, Ford, McLean, Tazewell, Peoria, Knox, Warren and Henderson, and after such notice, all convicts sentenced to the penitentiary in the counties aforesaid, shall be committed to the penitentiary provided for by this act: *Provided*, that the authorities in charge of the Southern Illinois Penitentiary and the one at Joliet may, with the approval of the Governor, make such exchange of prisoners from one building to the other as good discipline and the interests of the State may require, and, *Provided*, further, that the Governor may, from time to time, change the boundaries of the penitentiary districts in such manner as to make the size of the districts bear due proportion to the capacity of the prisoners therein. When he deems such change to be necessary he shall certify the same to the Sec-

15 retary of State designating the counties which are to be changed from one district to the  
16 other, and thereupon the Secretary of State shall notify the judges and clerks of all  
17 courts having criminal jurisdiction in the counties affected by the change, and after  
18 such notice, all convicts sentenced to the penitentiary in such counties, shall be com-  
19 mitted to the prison of the district in which the county has been placed.

§ 2. WHEREAS, an emergency exists, therefore this act shall take effect and be in  
2 force from and after its passage.

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(In House.)

1. Reported to House March 21, 1879.
2. First reading March 22, 1879, and ordered to second reading.

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**A BILL**

For an act to amend section eleven of an act entitled "An Act to locate, construct and carry on the Southern Illinois Penitentiary," approved May 24, 1877.

---

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly,* That section eleven (11) of an act entitled "An Act to locate, construct and carry on the Southern Illinois Penitentiary," approved May 24, 1877, be amended so as to read as follows:

SECTION 11. Whenever the said penitentiary is ready for the accommodation and safe keeping of convicts, the said commissioners, or a majority of them, shall certify that fact to the Secretary of State, and thereupon the Secretary of State shall notify all the judges of the circuit courts and other courts having criminal jurisdiction in the counties lying south of the following tier of counties, to-wit: Iroquoia, Ford, McLean, Tazewell, Peoria, Knox, Warren and Henderson; and after such notice, all convicts sentenced to the penitentiary in the counties aforesaid, shall be committed to the penitentiary provided for by this act: *Provided,* that the authorities in charge of the Southern Illinois Penitentiary and the one at Joliet may, with the approval of the Governor, make such exchange of prisoners from one building to the other as good discipline and the interests of the State may require: *And, provided, further,* that the Governor may, from time to time, change the boundaries of the penitentiary districts in such manner as to make the size of the districts bear due proportion to the capacity of the prisons



14 therein. When he deems such change to be necessary, he shall certify the same to the  
15 Secretary of State, designating the counties which are to be changed from one district  
16 to the other; and thereupon the Secretary of State shall notify the judges and clerks  
17 of all courts having criminal jurisdiction in the counties affected by the change; and  
18 after such notice, all convicts sentenced to the penitentiary in such counties shall be  
19 committed to the prison the district in which the county has been placed.

§ 2. WHEREAS, an emergency exists; therefore, this act shall take effect and be in  
2 force from and after its passage.

1. Introduced by Mr. Neece, February 1, 1879, and ordered to first reading.
2. First reading February 1, 1879, and referred to Committee on Railroads.
3. Reported back March 8, 1879. Recommendation it lie on table.
4. March 26, taken from table, ordered to second reading and print.

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## A BILL

For an act to amend an act entitled "An Act to provide for the incorporation of associations that may be organized for the purpose of constructing railways, maintaining and operating the same, for prescribing and defining the duties and limiting the powers of such corporations when so organized," approved March 1, 1872.

---

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That any company now incorporated, or hereafter to be incorporated under and by virtue of the act to which this is an amendment, may, at any special or general meeting, by a two-thirds vote, in value, of all the stock of such corporation, make an amendment to their charter, in the manner following: The directors of such corporation shall give at least thirty days' notice of such meeting, the time and place thereof, and such notice shall contain a brief statement of the substance of the proposed amendment, and shall be published four times in at least one newspaper published in the county where the principal office of such company is located; and written or printed copies of such notice shall be served personally, or by depositing the same in the postoffice, directed to the postoffice address of each of the stockholders, severally, with necessary postage, for the transmittal of the same, prepaid, at least thirty days prior to the day appointed for such meeting.

§ 2. Said stockholders may cast their votes personally or by proxy, at said meeting, and if the owners of two-thirds, in value, of all the stock owned by the stockholders of

§ 3. such company, shall vote in favor of such amendment to said charter, the same shall be so amended, and said amendment shall be filed with the Secretary of State and recorded in each of the counties through or into which it is proposed, by such amended charter, to run said line of railroad, or branch or branches thereof; in the same manner as is required in the case of an original charter. By such amendment said company may shorten or lengthen their line, may determine to build a branch or branches thereof, to or from any point on the original line, in this State; said amendment shall state fully and particularly all the changes to be made in the original charter.

§ 3. Said company under said amended charter shall have all the powers and rights given by the general laws of this State to railroad companies, including the right to condemn lands and real estate, upon which to locate said road, depots, switches and side tracks, and for all purposes of constructing, maintaining and operating their said line, branch or branches thereof, and shall be subject to all the duties and liabilities of an original company, under the laws of this State.

§ 4. WHEREAS, there is no means provided by the general laws of this State whereby a railroad company incorporated under said laws, may amend the charters thereof, and there are a number of such companies desiring to amend their charter, therefore an emergency exists, and this law shall take effect and be in force from and after its passage.

1. Introduced by Mr. Callon February 11, 1879, and ordered to first reading.
2. First reading February 11, 1879, and referred to Committee on Judiciary.
3. Reported back, passage recommended, and ordered to second March 6, 1879.

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## A BILL

For an act to amend an act entitled "An act in regard to Forcible Entry and Detainer,"  
approved and in force February 16, 1874.

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SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That section two (2) of an act entitled "An act in regard to Forcible Entry and Detainer," approved and in force February 16, 1874, be so amended as to read as follows:

§ 2. The person entitled to the possession of lands or tenements may be restored thereto in the manner hereinafter provided:

First. When a forcible entry is made thereon.

Second. When a peaceable entry is made and the possession unlawfully withheld.

Third. When entry is made into vacant or unoccupied lands or tenements without right or title.

Fourth. When any lessee of the lands or tenements, or any person holding under him, holds possession without right after the determination of the lease or tenancy by its own limitation, condition or terms, or by notice to quit or otherwise.

Fifth. When a vendee having obtained possession under a written or verbal agreement to purchase lands or tenements and having failed to comply with his agreement, withholds possession thereof, after demand in writing by the person entitled to such possession.

15 Sixth. When land has been sold under a judgment or decree of any court in this  
16 State, and the party to such judgment or decree after the expiration of the time of re-  
17 demption, when redemption is allowed by law, refuses or neglects to surrender  
18 possession thereof, after demand in writing by the person entitled thereto, or his  
19 agent.

1. Introduced by Mr. Ford, February 1, 1879, and ordered to first reading.
2. First reading February 1, 1879, and referred to Committee on Appropriations.
3. Reported back with amendments, passage recommended, and ordered to second reading February 5, 1879.

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Amend by filling up in line nine of the written bill after the word "Lusk" with the words "the sum of twenty-five dollars for each day of actual session of the General Assembly."

Amend by striking out the words "during the session of the General Assembly in lines thirteen and fourteen of the written bill and in lieu thereof "during the pleasure of the General Assembly."

Amend by striking out the words "out of any money in the treasury not otherwise appropriated" in lines fifteen and sixteen of the written bill, and inserting in lieu thereof the words "out of the fund for the contingent expenses of the General Assembly."

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### A BILL

For an Act to provide for furnishing the General Assembly with one thousand copies of the Legislative Record, daily.

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SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That there be appropriated to D. W. Lusk, the sum of twenty-five (\$25 00) dollars in consideration of his furnishing the General Assembly with one thousand copies of the Legislative Record, daily, during the session of the 31st General Assembly, to be paid out of any money in the treasury not otherwise appropriated.*

14

1. Introduced by Mr. ARCHER Feb. 3, 1879, and ordered to first reading.
2. First reading Feb. 3, 1879, and referred to Committee on Judiciary.
3. Reported back with amendment, passage recommended, and ordered to second reading Feb. 28, 1879.

### AMEND BY ADDING

- PROVIDED, that where several executions are issued in term time upon judgments rendered against the same defendant or defendants at the said term there shall be no priority of one of such executions over another.

## A BILL

For an act to amend section 9 of an act entitled "An act in regard to judgments and decrees and the manner of enforcing the same by execution and to provide for the redemption of real estate sold under execution or decree approved March 22, 1872, in force July 1, 1872.

SEC. 1. Be it enacted by the people of the State of Illinois, represented in the General Assembly, that section 9 of an act entitled "An act in regard to judgments and decrees and the manner of enforcing the same by execution and to provide for the redemption of real estate sold under execution or decree, approved March 22, 1872, in force July 1, 1872, be and the same is hereby amended so as to read as follows:

SEC. 9. No execution shall bind the goods and chattels of the person against whom it is issued until it is delivered to the sheriff or other proper officer to be executed, and for the better manifestation of the same the sheriff or other officer shall on receipt of such writ indorse upon the back thereof the day of the month and year and hour when he received the same. And upon all judgments of a court



6 of record the party in whose favor the same is rendered may at any time after the  
7 rendition of the same, by filing an order in writing with the clerk of the court for  
8 that purpose, have an execution upon said judgment in term time or vacation, but  
9 no sale shall take place under said execution until after the adjournment of the  
10 court in which said judgments may be rendered.

1. Introduced by Mr. Archer, February 3, and ordered to first reading.
2. First reading February 3, and referred to Committee on Judiciary.
3. Reported back with amendment, passage recommended, and ordered to second reading February 22.
4. March 29, second reading, amended, and ordered to third reading.

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### A BILL

For an act to amend section nine (9) of an act entitled "An act in regard to judgments and decrees, and the manner of enforcing the same by execution, and to provide for the redemption of real estate sold under execution or decree," approved March 22, 1872, in force July 1, 1872.

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SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That section nine (9) of an act entitled "An act in regard to judgments and decrees, and the manner of enforcing the same by execution, and to provide for the redemption of real estate sold under execution or decree," approved March 22, 1872, in force July 1, 1872, be and the same is hereby amended so as to read as follows:

SECTION 9. No execution shall bind the goods and chattels of the person against whom it is issued until it is delivered to the sheriff or other proper officer to be executed, and for the better manifestation of the same the sheriff or other officer shall, on receipt of such writ, indorse upon the back thereof the day of the month and year and hour when he received the same. And upon all judgments of a court of record the party in whose favor the same is rendered may at any time after the rendition of the same, by filing an order in writing with the clerk of the court for that purpose, have an execution upon said judgment in term time or vacation, but no sale shall take place under said execution until after the adjournment of the court in which said judgments

10 may be rendered: *Provided*, that where several executions are issued in term time upon  
11 judgments rendered against the same defendant or defendants at the said term, there  
12 shall be no priority of one of such executions over another.

1. Introduced by MR. FULLER, February 3, 1879, and ordered to First Reading.
2. First Reading February 3, 1879, and referred to Committee on Roads, Highways and Bridges.
3. Reported back with Amendments, Passage Recommended, and ordered to Second Reading, March 12, 1879.

Amendments reported from Committee on Roads, Highways and Bridges, March,

2 12. 1879.

Amend section 37 so that it shall read as follows:

“ On the day of trial the justice shall proceed to hear and determine the case  
2 according to law, for the offense complained of, and if the court rendering judgment  
3 shall find that the demand so sued for, is for such fine or penalty, it shall be so  
4 stated in the judgment rendered, and execution shall forthwith issue thereon, direct-  
5 ed to any constable of the county where such delinquent shall reside, commanding  
6 him to levy such fine or penalty with the costs of proceeding, of the goods and chat-  
7 tels of such delinquent, and no personal property shall be exempt from such execu-  
8 tion.”

Amend section 111 so that it shall read as follows:

“ Whenever the commissioners of highways shall deem it necessary to build, con-  
2 struct or repair any bridge or road in any town, which would be an unreasonable  
3 burden to the same, the cost of which will be more than can be raised in one year  
4 by ordinary road taxes in such town, the commissioners of highways shall present  
5 a petition to the county board of the county in which such town is situated, praying  
6 for an appropriation from the county treasury to aid in the building, constructing  
7 and repairing of such bridge or road, and such county board shall, when one-half  
8 of the necessary funds have been provided for by the town authorities, appropriate  
9 the other half: *Provided, however,* that such county board shall have the right to  
10 one representative and who shall be entitled to a vote in the reception of bids, adop-  
11 tion of plans and specifications and of letting of contracts, for the building construc-  
12 tion or repairing of such roads and bridges, and: *Provided further,* that all unex-  
13 pended surplus of any appropriation that may be granted under the provisions  
14 of this section shall be paid back into the county treasury.”

Strike out section 126.

# A BILL

For an act in regard to roads and bridges, in counties under township organization, and to repeal an act therein named.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That all roads within this state, which have been laid out in pursuance of any law of this state, or of the late territory of Illinois, or which have been established by dedication or used for twenty years, and which have not been vacated in pursuance of law, are hereby declared to be public highways.

§ 2. Whenever any persons traveling with any carriages or other vehicles, shall meet on any turnpike road, or public highway in this state, the persons so meeting shall reasonably turn their carriages, or vehicles, to the right of the center of the road, so as to permit each carriage, or vehicle, to pass without interfering or interrupting, under the penalty of five dollars for every neglect or offense, to be recovered by the party injured: *Provided*, this section shall not be construed to apply to any case, unless some injury to persons or property shall occur, by the driver of the carriage, or vehicle, refusing to turn to the right of the beaten track; nor shall it be construed to extend to a case where it is impracticable, from the nature of the ground, for the driver of the carriage, or vehicle, to turn to the right of the beaten track.

§ 3. No person owning any carriage, running or traveling upon any road in this state for the conveyance of passengers, shall employ or continue in employment, any person to drive such carriage, who is addicted to drunkenness, or the excessive use of spirituous liquors; and if any such owner shall violate the provisions of this section, after he shall have had notice and reasonable proof that such driver is addicted to drunkenness, he shall forfeit at the rate of five dollars a day, for all the time during which he shall thereafter have kept such driver in his employment, which penalty may be recovered by an action of debt, in the name of the people of the state of Illinois, as plaintiffs, and when recovered shall be paid into the school fund of the proper county.

§ 4. If any driver, whilst actually employed in driving any such carriage, shall be  
 2 guilty of intoxication to such a degree as to endanger the safety of the passengers in  
 3 the carriage, it shall be the duty of the owner of such carriage, on receiving written  
 4 notice of the fact, signed by any one of such passengers, and certified by him, on oath,  
 5 forthwith to discharge such driver from his employment; and every such owner who  
 6 shall retain, or have in his employ, within three months after the receipt of such no-  
 7 tice, any driver who shall have been so intoxicated, shall forfeit at the rate of five dol-  
 8 lars per day for the time during which he shall keep any such driver in his employ-  
 9 ment after receiving such notice, such penalty to be recovered and paid as in the last  
 10 preceding section of this act.

§ 5. No person driving any carriage, or other vehicle, upon any turnpike road or  
 2 public highway in this state, with or without passengers therein, shall run his horses  
 3 (or permit the same to run) upon any occasion, or for any purpose whatever; and  
 4 every person who shall offend against the provisions of this section, shall be deemed  
 5 guilty of a misdemeanor, and on conviction thereof shall be fined not exceeding ten  
 6 dollars, or imprisoned not exceeding sixty days, at the discretion of the court.

§ 6. It shall not be lawful for the driver of any carriage used for the purpose of  
 2 conveying passengers for hire, to leave the horses attached thereto, while passengers  
 3 remain therein without first making such horses fast with a sufficient halter, rope, or  
 4 chain, or by placing the lines in the hands of some other person, so as to prevent  
 5 their running. And if any such driver shall offend against the provisions of this sec-  
 6 tion, he shall forfeit the sum of twenty dollars to be recovered by action of debt, on  
 7 complaint of any person, in the name of the people of the state of Illinois as plaintiffs:  
 8 *Provided* such suit be instituted within six months from the commission of the offense.

§ 7. The owners of every carriage running upon any turnpike road or public  
 2 highway, for the conveyance of passengers, shall be liable, jointly and severally, to  
 3 the party injured, in all cases, for all injuries and damages done, by any person in  
 4 the employment of such owners, as a driver, while driving such carriage, to any  
 5 person; and that whenever the act occasioning such injury or damage, be willful,  
 6 negligent or otherwise, in the same manner that such driver would be liable. Any  
 7 driver of any mail stage coach, or any other vehicle for the conveyance of passen-  
 8 gers, willfully offending against the provisions of this act, shall be deemed guilty of

9 a misdemeanor, and on conviction thereof, shall be imprisoned not exceeding four  
10 months, or fined not exceeding two hundred dollars.

§ 8. The term "carriage" as used in this act, shall be construed to include stage  
2 coaches, wagons, carts, sleighs, sheds and every other carriage or vehicle used for  
3 the transportation of passengers and goods, or either of them.

§ 9. Nothing contained in this act shall interfere with or affect any law concern-  
2 ing hackney coaches or carriages, in any of the cities of this state, nor interfere with  
3 nor affect the laws, or ordinances of any such city, for the licensing or regulating  
4 such coaches or carriages. Justices of the peace shall have jurisdiction in all cases,  
5 arising under this act, where the penalty or fine does not exceed two hundred  
6 dollars.

§ 10. The commissioners of highways in the several towns in this state shall  
2 have the care and superintendence of the highways and bridges therein, and it shall  
3 be their duty :

4 1st. To give directions for the repairing of roads and bridges in their respective  
5 towns, and to cause the building of bridges when the public interests or necessity  
6 require it.

7 2d. To lay out and establish roads, to regulate the roads already laid out, and to  
8 alter or vacate such roads, as they or a majority of them, shall deem proper, as  
9 hereafter provided.

10 3d. To cause such roads, used as highways, as have been laid out or dedicated  
11 to public use, but not sufficiently described, and such as have been used for twenty  
12 years, but not recorded, to be ascertained, described and entered of record in the  
13 town clerk's office.

14 4th. To cause the highways or bridges which are or may be erected over streams  
15 intersecting highways, to be kept in repair.

16 5th. To divide their respective towns into so many road districts as they shall  
17 deem convenient, by writing, under their hands, to be lodged with the town clerk,  
18 and by him to be entered in the town book. Such division to be made annually, if  
19 they shall think it necessary; and in all cases to be made at least ten days before  
20 the annual town meeting.

21 6th. To assign to each of the said road districts such of the inhabitants liable to

22 work on highways as they shall think proper, having regard to proximity of resi-  
 23 dence as much as may be.

24 7th. To require the overseers of highways, from time to time, and as often as they  
 25 shall deem necessary, to warn all persons liable to work on highways to come and  
 26 work thereon, with such implements, carriages, plows and teams as they may have;  
 27 and the said commissioners, or any of them, shall direct and see that persons work-  
 28 ing, or repairing the highways, leave undisturbed all stones or other monuments  
 29 marking sectional and other corners, which may be in the public roads worked or  
 30 repaired by them.

31 8th. To take possession of and keep all scrapers, plows and other tools belonging  
 32 to their town, wherever the same may be found, and not allow the same to go to  
 33 waste, and not to lend the same, except to persons employed by them to work on  
 34 the roads by contract or otherwise.

35 9th. To purchase for use upon highways such necessary tools, implements and  
 36 machinery as may be necessary.

37 10th. To cause to be erected and kept in repair, at the forks or crossing place of  
 38 the most important public roads, a post and guide boards, with plain inscriptions  
 39 thereon in letters and figures, giving directions and distances to the most noted  
 40 places to which such road may lead; to prevent thistles, burdock, cockle-burs, mus-  
 41 tard, yellow-dock, Indian mallow and jimson weed from seeding, and to extirpate  
 42 the same as far as practicable, and to prevent all rank growth of vegetation in the  
 43 public highway, so far as the same may obstruct public travel, and the said high-  
 44 way commissioners may, in their discretion, sink and construct wells, with a suita-  
 45 ble pump or other suitable fixture, and a water trough attached thereto, and keep  
 46 the same in repair, for public use for watering teams, at the intersection of the most  
 47 important roads in their towns or road districts; and they may also adopt any other  
 48 suitable and convenient mode of supplying water in troughs conveniently situated  
 49 on the public highways for public use, at other points than at such intersections;  
 50 and the costs of such improvements shall be paid out of the road and bridge funds  
 51 of such town.

§ 11. At the first meeting of the commissioners of highways, after they shall have



2 been duly elected and qualified, they shall proceed to choose one of their number as  
 3 treasurer. The treasurer so chosen shall receive and have charge of all moneys  
 4 raised in the town for the support and maintenance of roads and bridges. He shall  
 5 hold such moneys, at all times, subject to the order of the commissioners of high-  
 6 ways, and shall pay them over upon their order, or a majority of said commissioners,  
 7 and not otherwise. He shall execute bond, with good and sufficient security, in such  
 8 manner as the supervisor and town clerk shall determine, conditioned for the faith-  
 9 ful discharge of his duties as such treasurer, and that he will honestly and faithfully  
 10 account for and pay over upon the order of the commissioners of highways, all  
 11 moneys that shall come to his hands by virtue of his said office; which bond shall  
 12 be payable to the supervisor of the town and his successor in office, and be approved  
 13 by the supervisor and town clerk, and filed in the town clerk's office.

§ 12. The commissioners of highways of each town shall render to the board of  
 2 town auditors, at their annual meetings for auditing the accounts of town officers,  
 3 an account in writing, stating:

4 1st. The labor assessed and performed in such towns.

5 2nd. The sums received by such commissioners for fines and commutations, and  
 6 all other moneys received under this act.

7 3rd. A statement of the improvements necessary to be made on such roads and  
 8 bridges, and an estimate of the probable expense of making such improvement,  
 9 beyond what the labor to be assessed in that year, and the road tax will accomplish.

10 4th. Also a statement, in writing, of all expenses and damages in consequence of  
 11 laying out, altering or discontinuing roads.

12 5th. Also, a statement of the amount received from the collector of the town, or  
 13 from any other source, up to the time of such statement, and the manner in which  
 14 the same, if any sum, has been paid out and expended, to whom, and on what  
 15 account.

§ 13. The commissioners of highways of each town, shall meet, within ten days  
 2 after they shall be chosen, at the town clerk's office, on such day as they shall agree  
 3 upon, and afterwards at such other times and places as they shall think proper.

§ 14. The town clerk shall deliver the lists filed by the overseers, to the commis-  
 2 sioners of highways of the town, who shall proceed to ascertain, estimate and assess

3 the highway labor and road tax to be performed and paid in their town the nex  
4 ensuing year.

§ 15. Every able-bodied male inhabitant, being above the age of twenty-one  
2 years and under the age of fifty (excepting paupers, idiots, lunatics, and such others  
3 as are exempt by law), shall be required to labor on the highways in their respective  
4 road districts, not less than one nor more than three days in each and every year.

§ 16. The commissioners of highways shall assess a road tax on all real estate  
2 and personal property liable to taxation of the town, to any amount they may deem  
3 necessary, not exceeding forty cents on each one hundred dollars' worth, valued as  
4 on the assessment roll of the previous year: *Provided*, that the tax on property  
5 lying within any incorporated village, town or city, in which the streets and alleys  
6 are under the care of the corporation, shall be paid over to the treasurer of such  
7 village, town or city, to be appropriated to the improvement of roads, streets and  
8 bridges, under the direction of the corporate authorities.

§ 17. The commissioners of highways shall affix to the name of each person  
2 named in the lists so furnished by the overseers, the number of days assessed to  
3 each person for highway labor, personal property, and also a description of each  
4 tract of land, and the name of the owner, if known, with the valuation thereof, as  
5 taken from the assessment roll of the previous year, and the amount of road tax  
6 assessed thereon, in a separate column. The lists so prepared shall be subscribed  
7 by the commissioners, and deposited with the town clerk, to be filed in his office.

§ 18. The commissioners shall direct the clerk of the town to make a copy of  
2 each list, and shall subscribe such copies, after which they shall cause the several  
3 copies to be delivered to the respective overseers of highways of the several districts  
4 in which the highway labor is assessed. One copy for each overseer shall contain  
5 the name and number of days assessed to each person, the other the real and per-  
6 sonal property road tax.

§ 19. It shall be the duty of the overseers to add the names of persons left out  
2 of any such list, and of new inhabitants, and to rate the persons so added in the  
3 same proportion to work on the highways as others rated by the commissioners on  
4 such list, subject to an appeal to the commissioners.

§ 20. It shall be the duty of commissioners of highways of each town to credit such persons as live on private roads and work the same so much on account of their assessment as such commissioners shall deem necessary to work such private road, or to annex such private road to some of the highway districts.

§ 21. The town clerk shall, within ten days after the commissioners of highways have filed in his office the amount of road tax assessed on the real and personal estate of the town, post a notice on the outer door of the house where the town meeting was last held, stating the amount of road tax assessed on each one hundred dollars' worth of the real and personal estate of the town, and that all persons interested can pay the same in labor on the highways, under the direction of the overseer of highways, in the district where the land or personal property is situated.

§ 22. If the commissioners of highways shall refuse or neglect to perform any of the duties enjoined on them by this act, they shall severally forfeit not less than ten dollars nor more than fifty dollars, and may be proceeded against, severally or jointly, for the recovery of such forfeiture before any justice of the peace in the proper county having jurisdiction.

§ 23. There shall be chosen at the annual town meeting in each town, as many overseers of highways as there are road districts in the town; and each overseer of highways, so chosen, shall be a resident of the road district for which he is elected, and shall hold his office for one year: *Provided*, there shall be chosen at the annual town meeting in April, 1873, one overseer of highways for each road district, as constituted previous to the passage of an act entitled "Roads and Bridges," approved April 10, 1872.

§ 24. It shall be the duty of overseers of highways in each town:

- 1st. To repair and keep in order the highways within their several districts for which they shall have been elected.
  - 2nd. To warn all persons, from whom road labor is due, to work on the highways at such times and places, within their several districts, as they may think proper.
- The overseers of highways may contract with persons owing poll tax for road purposes, to perform a certain amount of labor on any road or bridge in their town or road district for the amount of such tax; and if the work is done within the time

9 that the money should have been paid, the overseer shall give such person a receipt  
10 for such labor done or performed.

11 3d. To collect all fines and commutation money, and to execute all lawful orders  
12 of the commissioners of highways.

13 4th. To deliver to the clerk of the town, within sixteen days after their election  
14 or appointment, a list subscribed by such overseers, of the names of all the inhabit-  
15 tants in his road district who are liable to work on highways.

§ 25. If any person chosen or appointed to the office of overseer of highways,  
2 shall refuse to serve, or if his office shall become vacant, the commissioners of the  
3 highways of the town shall, by warrant, under their hands, appoint some other per-  
4 son in his stead; and the overseers so appointed shall have the same powers, be  
5 subject to the same orders, and liable to the same penalties, as overseers chosen at  
6 the town meeting.

§ 26. The commissioners making the appointment shall cause such warrant to be  
2 forthwith filed in the office of the town clerk, who shall give notice to the person  
3 appointed, as in other cases.

§ 27. Every overseer of highways who shall refuse or neglect to perform any of  
2 the duties hereinbefore enumerated, or which may be lawfully enjoined on him by  
3 the commissioners of highways of his town, shall, for every such refusal or neglect,  
4 forfeit the sum of ten dollars, to be sued for by the commissioners of highways of  
5 the town, and when recovered, to be applied by them in making and improving the  
6 roads and bridges therein.

§ 28. It shall be the duty of overseers of highways to give at least three days'  
2 notice to all persons assessed to work on highways, and residing within the limits of  
3 their respective districts, of the time and place when and where they are to appear  
4 for that purpose, and with what implements; but no person, being a resident of the  
5 town, shall be required to work on any highway other than in the district in which  
6 he resides, except he resides in a district on a town line, which district belongs to an  
7 opposite town, and unless he shall elect to work in some district where he has any  
8 land; and in such case he may, with the approbation of the commissioners of high-  
9 ways, apply the work assessed in respect to such land in the district in which the  
10 same is situated.

§ 29. Every person liable to work on the highways shall work the whole number of days for which he shall have been assessed; but every such person, other than an overseer of highways, may elect to commute for the same, or for any part thereof, at the rate of one dollar and fifty cents per day; in which case such commutation money shall be paid to the overseer of highways of the district in which the person commuting shall reside, to be applied and expended by such overseer in the improvement of the roads and bridges in the same district.

§ 30. Any person intending to commute for his assessment, or any part thereof, shall, within three days after he shall be notified to appear and work on the highways, pay the commutation money for the work required of him by such notice; and the commutation shall not be considered as complete until such money be paid.

§ 31. Every overseer of highways shall have power to require a team or a cart, wagon or plow, with a pair of horses or oxen, and a man to manage them, from any person having the same within his district, who shall have been assessed two days or more, and who shall not have commuted for his assessment; and the person furnishing the same, upon such requisition, shall be entitled to a credit of two days for each day's service therewith.

§ 32. Every person assessed to work on the highways, and named to work, may appear in person, or by an able-bodied man as a substitute, and the person or substitute shall actually work eight hour in each day, under a penalty of twenty-five cents for every hour such person or substitute shall be in default, to be imposed as a fine on the person assessed.

§ 33. If any person, after appearing, remain idle, or not work faithfully, or hinder others from working, such offender shall, for every offense, forfeit to the town the sum of two dollars.

§ 34. Every person so assessed and duly notified, who shall not commute, and who shall refuse or neglect to appear, as above provided, shall forfeit to the town, for every day's refusal or neglect, the sum of two dollars. If he was required to furnish a team, carriage, man or implement, and shall refuse or neglect to comply, he shall be fined, as follows:

6 1st. For wholly failing to comply with such requisition, four dollars for each  
7 day.

8 2d. For omitting to furnish a pair of horses or oxen, one dollar and fifty cents  
9 each day.

10 3d. For omitting to furnish a man to manage the team, two dollars for each day.

11 4th. For omitting to furnish a wagon, cart or plow, seventy-five cents for each day.

§ 35. It shall be the duty of every overseer of highways, within six days after  
2 any person assessed and notified shall be guilty of any refusal or neglect, for which  
3 a penalty or fine is prescribed in this act, unless a satisfactory excuse shall be  
4 rendered to him for such refusal or neglect, to make complaint, on oath, to any jus-  
5 tice of the peace of the county.

§ 36. The justice to whom such complaint shall be made shall forthwith issue a  
2 summons, directed to any constable of the county, requiring him to summons such  
3 delinquent to appear within five days before such justice, according to law, for such  
4 refusal or neglect.

§ 37. On the day of trial the justice shall proceed to hear and determine the  
2 case according to law, for the offense complained of, and shall forthwith issue an  
3 execution under his hand and seal, directed to any constable of the county where  
4 such delinquent shall reside, commanding him to levy such fine, with the costs of  
5 the proceeding, of the goods and chattels of such delinquent.

§ 38. The constable to whom such execution shall be delivered, shall forthwith  
2 collect the moneys therein mentioned. He shall pay the fine, when collected, to the  
3 justice of the peace who issued the execution, who is hereby required to pay the  
4 same to the overseer who entered the complaint, to be by him expended in improv-  
5 ing the roads and bridges in the district of which he is overseer.

§ 39. Every fine collected for refusal or neglect to appear and work on the high-  
2 ways, shall be set off against his assessments or personal labor tax upon which it  
3 was founded, estimating every two dollars collected as a satisfaction for one day's  
4 work.

§ 40. The acceptance, by an overseer, of any excuse for refusal or neglect, shall  
2 not, in any case, exempt the person, excused from commuting for or working the  
3 whole number of days for which he shall have been assessed during the year.

§ 41. It shall be the duty of overseers of highways to warn all residents of his district against whom a land or personal property road tax is assessed, giving them three days' notice, to work out the same upon the highways; and he shall receive such tax in labor from every able-bodied man, or his substitute, at the rate of one dollar and fifty cents per day. And any person or his agent may pay such tax in road labor, at the rate of one dollar and fifty cents per day and in proportion for a less amount: *Provided*, that any person may elect to pay such tax to the overseer in money.

§ 42. It shall be the duty of the overseer of highways, when such land tax has been paid, either in money or labor, to write the word "paid" distinctly against each name or tract on his list, on which the same has been paid, and give a receipt for the same, whether paid in labor or money, when demanded.

§ 43. Every overseer of highways shall deliver to the supervisor of his town, and in Cook county to the county board, at least five days previous to the annual meeting of the board of supervisors, the lists furnished by the commissioners of highways, containing the land and personal property road tax, with an affidavit thereto, sworn to before the supervisor of the town, or some justice of the peace of the county, that on all tracts of land on such list opposite which the word "paid" is written, such tax is paid, and that on all tracts of land on such list, opposite which the word "paid" is not written, such tax is due and remains unpaid, according to the best of his knowledge and belief.

§ 44. If any overseer shall refuse or neglect to deliver such list to the supervisor, as provided in the last preceding section, or shall neglect or refuse to make the affidavit, as therein directed, he shall, for every such offense, forfeit the sum of five dollars, and also the amount of taxes remaining unpaid, to be recovered by the commissioners of highways of the town, to be applied by them in improving the roads and bridges of such town.

§ 45. It shall be the duty of every overseer of highways to have at least three-fourths of the road labor assessed in his district worked out or actually expended on the highways, previous to the first day of October in every year.

§ 46. Every overseer of highways shall, on the second Tuesday next preceeding the time of holding the annual town meeting in his town, within the year for which

3 he is elected or appointed, render, under oath, to one of the commissioners of high-  
 4 ways of the town, an account, in writing, containing—

5 1st. The names of all persons assessed to work on the highways in the district  
 6 of which he is overseer

7 2d. The names of all those who have actually worked on the highways, with the  
 8 number of days they have actually worked.

9 3d. The names of all those who have been fined, and the sums in which they  
 10 have been fined.

11 4th. The names of all those who have commuted, and the manner in which the  
 12 moneys arising from fines and commutations have been expended by him.

13 5th. The amount of uncollected road tax which he has returned to the super-  
 14 visors of the town, as required in section forty-three of this act.

§ 47. Every such overseer shall also, then and there, render an account, in writing,  
 2 of all moneys in his hands by virtue of his office, and shall also pay over the same  
 3 to his successor in office.

§ 48. If any overseer shall refuse or neglect to render such account, or if, having  
 2 rendered the same, he shall refuse or neglect to pay any balance which may then be  
 3 due from him, he shall, for every such offense, forfeit the sum of five dollars, to be  
 4 recovered, with the balance of the moneys remaining in his hands, by the com-  
 5 missioners of highways of the town, and to be applied in making and improving  
 6 the roads and bridges. It shall be the duty of the commissioners to prosecute for  
 7 such penalty, in every instance in which no return is made.

§ 49. It shall be the duty of the supervisors of the several towns to receive the  
 2 list of the overseers of highways when delivered, pursuant to section forty-four of  
 3 this act, and to lay the same before the board of supervisors of the county.

§ 50. It shall be the duty of the board of supervisors, and in Cook county the  
 2 county board, to cause the amount of arrearages of the road tax returned by the  
 3 overseer of highways to the supervisors, as provided in section forty-three of this  
 4 act, to be levied on the lands returned, and to be collected in the same manner  
 5 that other taxes of the county are levied and collected, and to order the same, when  
 6 collected, to be paid over to the commissioners of highways of the town, to be by  
 7 them applied to the construction of roads and bridges.



§ 51. Each and every overseer of highways shall be entitled to one dollar and a half per day for every day he is necessarily employed in the execution of the duties of overseer, exceeding the amount of his highway labor and road tax, the number of days to be accounted to and audited by the commissioners of highways: *Provided*, that the number of days to be audited shall be left discretionary with the commissioners of highways.

§ 52. The legal voters of any township in the state, in counties where township organization has been or may hereafter be adopted, may by a majority vote, at their annual town meeting, provide that thereafter the road tax assessed by the commissioners of highways, under the provisions of this act, be collected in money only, to be expended by the commissioners of highways in such townships, on roads within their jurisdiction, by such agents or officers as they shall direct.

§ 53. The town clerk of each town shall, on or before the first day of September next, and annually thereafter, (if the boundary line be changed,) furnish to the county clerk a certified plat of the several road districts of his town.

§ 54. In all counties acting under township organization, the county clerk, in extending district road tax upon the tax books, shall designate to what district said tax belongs.

§ 55. It shall be the duty of county and township collectors to make out an abstract of the amount of district road tax due to each district of the respective townships, and deliver the same to the treasurer of the commissioners of highways.

§ 56. The treasurer of the commissioners of highways shall pay over the district road tax according to the abstracts, as furnished above, upon the written orders of the various overseers of roads for work done in their respective districts, when said orders are approved in writing by a majority of said commissioners.

§ 57. For destroying or defacing any guide-board, post or mile stone, or any notice or direction put up on any bridge or otherwise, the offender shall forfeit a sum not less than three dollars nor more than fifty dollars.

§ 58. If any person shall injure or obstruct a public road by falling a tree or trees in, upon or across the same, or by placing or leaving any other obstruction thereon, or by encroaching upon the same with any fence, or by plowing or digging any ditch or other opening thereon, or by turning a current of water so as to saturate or wash

5 the same, or shall leave the cuttings of any hedge thereon, for more than five days,  
 6 shall forfeit for every such offense a sum not less than three dollars nor more than  
 7 ten dollars, and in case of placing any obstruction on the highway, an additional  
 8 sum of not exceeding three dollars per day for every day he shall suffer such obstruc-  
 9 tion to remain after he has been ordered to remove the same by any of the commis-  
 10 sioners of highways, complaint to be made by any person feeling himself aggrieved;  
 11 *Provided*, this section shall not apply to any person who shall lawfully fell any tree  
 12 for use, and will immediately remove the same out of the road, nor to any person  
 13 through whose land a public road may pass, who shall desire to drain his land, and  
 14 shall give due notice to the commissioners of such intention: *And provided further*,  
 15 that any commissioners or overseers of highways, after having given reasonable no-  
 16 tice (to the owners) of the obstruction, or person so obstructing, or plowing, or digging  
 17 ditches upon such road, may remove any such fence or other obstruction, fill up any  
 18 such ditch or excavation, and recover the necessary cost of such removal from such  
 19 owner or other person obstructing such road aforesaid, to be collected by said com-  
 20 missioners before any justice of the peace having jurisdiction.

§ 59. If any person shall purposely destroy or injure any sidewalk, public bridge,  
 2 culvert or causeway, or remove any of the timber or plank thereof, or obstruct the  
 3 same, he shall forfeit a sum not less than three nor more than one hundred dollars,  
 4 and shall be liable for all damages occasioned thereby, and all necessary costs for  
 5 rebuilding or repairing the same.

§ 60. All suits for the recovery of any fine or penalty, under this act shall be  
 2 brought in the name of the town in which the offense is committed; and it shall be  
 3 the duty of commissioners and overseers of highways to seasonably prosecute for all  
 4 fines and penalties under this act; but, in case of a failure of said officers to so prose-  
 5 cute, complaint may be made by any person whatever.

§ 61. All fines recovered under the provisions of this act, unless otherwise pro-  
 2 vided, shall be paid over to the commissioners of highways of the town where the  
 3 offence is committed, to be expended upon the roads and bridges in the town.

§ 62. It shall be lawful for the owner or occupants of land bordering upon any  
 2 public road, to build sidewalks not to exceed six feet in width, and to plant shade  
 3 and ornamental trees along and in such road, at a distance not exceeding one tenth

4 of the legal width of the road from its margin; and also to erect and maintain a  
5 fence, so long as shall be actually necessary for the purpose of raising a hedge on  
6 said margin, a distance of four feet from and within said marginal lines.

§ 63. Any person owning, using, or occupying lands on both sides of any public  
2 highway, shall be entitled to the privilege of making a crossing under said highway  
3 for the purpose of letting his cattle and other domestic animals cross said road:  
4 *Provided*, said person shall erect, at his own expense, a good and substantial bridge,  
5 with secure railings on each side thereof, and build an embankment of easy grade,  
6 on either side of said bridge; said bridge not to be less than sixteen feet wide, and  
7 to be approved by the commissioners of highways of the town in which said bridge  
8 is built, and the same to be kept constantly in good repair by the owner or occupant  
9 of said land, the construction subject always to the consent and approval of the  
10 commissioners of highways of said town. *And provided further*, that, in case such  
11 crossing is made on any water-way or natural channel for water, and where a cul-  
12 vert or bridge is maintained as required for road purposes, said owners or occu-  
13 pants shall not be required to pay for or construct any more of said crossing than  
14 the additional cost of such crossing over and above the necessary cost of a suitable  
15 culvert or bridge for road purposes at such place.

§ 64. And where any bridge on a public road is constructed over a stream or  
2 body of water, where the depth or current of water, or the nature of the bank or banks  
3 of such stream or body of water is such as to render a fence on the marginal line of  
4 the public road impracticable or very expensive to construct and keep in repair, the  
5 owner of the land bordering on the public road shall have the right to connect the  
6 road fence on either or both banks of the stream or body of water, to said bridge or  
7 any pier or abutment thereof, or to any embankment or timber approach to said bridge:  
8 *Provided*, that no necessary ford across said stream or body of water shall be per-  
9 manently obstructed thereby: *And, provided, further*, that any such connecting fence  
10 shall be constructed by the consent and under the direction of the commissioners of  
11 highways of the town in which the bridge may be located.

§ 65. All public highways laid out by order of the commissioners of highways, or  
2 supervisors, on appeal, shall be not less than fifty feet, wide nor more than sixty feet  
3 wide: *Provided*, the commissioners may lay out roads not less than forty feet wide

4 nor more than sixty feet wide, when so prayed for by the petitioners if such road does  
 5 not exceed two miles in length: *And, provided, further*, that all public roads shall be  
 6 opened within five years from the date of the filing of the order laying out the same  
 7 or be deemed vacated.

§ 66. The commissioners of highways of each town may, when they shall deem it  
 2 advisable, put up and maintain, in conspicuous places, at each end of any bridge in  
 3 such town, maintained at the public charge, a notice with the following words, in  
 4 large characters: "Five dollars fine for riding or driving on this bridge faster than a  
 5 walk."

§ 67. Whoever shall ride or drive faster than a walk, over any bridge upon which  
 2 notice shall have been placed and shall then be, shall forfeit to the town, for every  
 3 such offense, the sum of five dollars.

§ 68. The overseers of highways of the several towns are hereby authorized to en-  
 2 ter upon any land adjacent to any highway in their respective districts, for the pur-  
 3 pose of opening any ditch, drain, necessary sluice or water course, whenever it shall  
 4 be necessary to open a water course from any highway to the natural water courses,  
 5 and to dig, open and clean ditches, upon said land for the purpose of carrying off the  
 6 water from said highways, or to drain any slough or pond on said highway: *Provided*,  
 7 that unless the owner of such land or his agent shall first consent to the cutting of  
 8 such ditches, the overseers of highways shall apply to any justice of the peace of  
 9 the county in which such road is situated, for a summons directed to any constable  
 10 of said county, commanding him to summon the said owner to appear before the said  
 11 justice, at a time and place specified in such summons, not less than five nor more  
 12 than fifteen days from the date thereof, for the purpose of having the damage asse-  
 13 sed which such owner may sustain by reason of the digging or opening of such ditches  
 14 or drains. The said summons shall be under the hand of such justice, and be served  
 15 in the same manner as a summons is now served in civil actions before justices of the  
 16 peace. On the return of such summons, a venire shall be issued for a jury, as in  
 17 other cases in the trial of civil actions before justices of the peace, which jury shall  
 18 assess such damages and render a verdict therefor, which shall be final and conclu-  
 19 sive, of the amount of damage sustained by such person; and the amount so awarded  
 20 shall be audited, levied and collected in the same manner provided in section four.

teen, article seventeen, of the township organization law, and the overseer of highways shall be warranted and is hereby empowered to enter such lands, and dig, open and clean such drains, ditches and water courses as aforesaid, for the purposes contemplated in this act, and is further authorized to use and employ the road labor and money of his district for such purposes: *Provided*, that in case the owner of said lands is a non-resident, service may be had by leaving a copy with the occupant or agent, or by notice in same manner as prescribed in section eighty-two (82) of this act.

§ 69. The commissioners of highways may alter, widen or vacate any road or lay out any new road, in their respective towns, when petitioned by any number of freeholders, not less than twelve, residing within three miles of the road so to be altered, widened, vacated or laid out.

§ 70. Said petition shall set forth, in writing, a description of the road, and what part thereof is to be altered, widened or vacated, and if for a new road, the names of the owners of lands, if known, if not known it shall be so stated, over which the road is to pass, the points at which it is to commence, its general course, and the place at or near where it is to terminate.

§ 71. When any such number of freeholders determine to petition the commissioners of highways for the alteration, widening or vacation of any road, or laying out any new road, they shall cause a copy of this petition to be posted up in three of the most public places in the town in the vicinity of the road to be laid out altered, widened or vacated, at least twenty days before any action shall be had in reference to such petition. The posting of any notice required by this act may be proved by the affidavit of the person posting the same, or by other legal evidence.

§ 72. Whenever the commissioners of highways shall receive any such petition, with the proof of the posting of copies, as in the next preceding section specified they shall fix upon a time when and where they will meet to examine the route of such road, and to hear reasons for or against the altering, widening, vacating or laying out the same which meeting shall be within twenty days after the expiration of the twenty day required for the posting of the copies of the petition in the next preceding (71) section, and they shall give at least ten days' notice of the time and place of such meeting, by posting up notices in three of the most public places in the township, in the vicinity of the road to be widened, altered or vacated.

§ 73. The commissioners may, by public announcement, and by the posting of  
 2 a notice at the time and place named for the first meeting, adjourn the meeting from  
 3 time to time, but not for a longer period than twenty days in all; and shall, at the  
 4 first, or such adjourned meeting, within said twenty days, decide and publicly an-  
 5 nounce whether they will grant or refuse the prayer of the petition, and shall endorse  
 6 upon, or annex to the petition, a brief memorandum of such decision to be signed  
 7 by the commissioners. Such decision shall be subject to revocation, in case the  
 8 prayer of the petition is granted, in the manner hereinafter provided. In case the  
 9 commissioners refuse to grant the prayer of the petition, they shall, within ten days  
 10 thereafter, file the same, so indorsed; or with such decision annexed thereto, in the  
 11 office of the town clerk.

§ 74 If the petition is simply for the vacation of a road, and the commissioners of  
 2 highways, or a majority of them, shall, at such meeting, decide that the prayer of  
 3 the petitioners should be granted, they shall order such road to be vacated—a copy  
 4 of which order, together with the petition, shall be by them filed with the town clerk,  
 5 such order to be so filed within ten days after the date of such decision.

§ 75 If such petition is for the establishment of a new road, or the alteration or  
 2 widening of an existing road, and the commissioners of highways, or a majority of  
 3 them, shall be of the opinion that the prayer of the petitioners should be granted,  
 4 they shall cause a survey and plat of such road to be made by a competent surveyor,  
 5 who shall report such survey and plat to said commissioners, giving the course,  
 6 and distances, and specifying the land over which said road is to pass—in which they  
 7 may make such changes between the termini of the road described in the petition,  
 8 as the convenience and interest of the public, in their judgment may require.

§ 76 They shall also, before they order any road to be established, altered, widened  
 2 or vacated, ascertain, as hereinafter provided, the aggregate amount of damages  
 3 which the owner or owners of land over which such road is to pass, shall be entitled  
 4 to, by reason of the location, alteration or vacation of such road: *Provided, however*  
 5 that in case an appeal is taken from the assessment of damages before the justice  
 6 of the peace, the commissioners may, in their discretion, make an order laying out,  
 7 widening, altering or vacating such road, either before or after such appeal is de-  
 8 termined, in the manner hereinafter provided.

§ 77. The damages sustained by the owner or owners of the land, by reason of the establishment, alteration, widening or vacation of any road, may be agreed upon by the owners of such lands, if competent to contract, and the commissioners of highways, or they may be released by such owners—in which case the agreement or release shall be in writing and shall be filed and recorded with the copy of the order, establishing or altering such road, in the town clerk's office, and shall be a perpetual bar against such owners, their grantees and assigns, for all further claims for such damages.

§ 78. In case such damages are not released or agreed upon, as in the preceding section specified, the commissioners of highways shall, within twenty (20) days from the date of the meeting at which it was decided to grant the prayer of the petition, make a certificate that they are about to establish, widen, vacate or alter a public road, describing such road, vacation, widening or alteration, and the land over or on which such road is to be established, altered, widened or vacated, and naming the owners of such land, if known, and if not known, stating the fact, and asking for a jury to assess the damages of such owners, and shall present such certificate to some justice of the peace of the county, who shall summon a jury of six persons in the manner hereinafter provided, having the qualifications of jurors, to appear before such justice of the peace at a time to be fixed by him, within ten days from the time such certificate was presented to him, to assess such damages.

§ 79. The commissioners of highways shall also notify each and every owner of land—if known, and a resident of the county—whose damages are to be assessed, that they will apply to some justice of the peace of the county (giving the time when and the place where) to have a jury impaneled to assess such damages.

§ 80. Upon the presentation of such certificate by the commissioners of highways, the justices of the peace shall forthwith name eighteen persons having the qualifications of jurors, two-thirds of whom shall not be residents of the town in which the proposed road is located. The commissioners of highways shall have the right to strike from such list of names the names of six of such persons named, and the owners of the lands whose damages are to be assessed, or their authorized agent or agents, shall also have the right to strike from such list the names of six other persons. The striking from the list of said names shall be done alternately, one at a

9 time, by the commissioners of highways and the claimants, the commissioners  
 10 beginning first; and the six persons whose names still remain on said list shall com-  
 11 prise the jury to assess such damages. *Provided*, that if the commissioners of  
 12 highways and the owners of lands shall fail to strike from such list the names of  
 13 twelve persons, the justice of the peace shall select from the names still remaining,  
 14 the six persons to constitute said jury.

§ 81. At the trial of the case, either party shall have the right of challenge for  
 2 cause, and for that only; and any deficiency in the number of jurors, from whatever  
 3 cause, shall be supplied by summoning other persons residing in the township, or  
 4 in an adjoining township, in the same manner as in a civil case. Such justice of  
 5 the peace shall notify the owners of such land mentioned in such certificate to  
 6 appear at the same time before such justice to prove their damages.

§ 82. In case it shall appear either from the certificate of the commissioners,  
 2 the affidavit of any person, or the return of any officer to whom the notice may be  
 3 delivered for service, that there is an unknown owner or owners who cannot be  
 4 found and served within the county, such justice shall also cause notice to be posted  
 5 in three of the most public places in the vicinity of such proposed road or altera-  
 6 tion, at least six days before the time fixed for the appearance of such jury, stating  
 7 when such jury is to be impaneled by him, and describing the road to be estab-  
 8 lished, altered, widened or vacated as petitioned for, and the lands for which  
 9 damages are to be assessed.

§ 83. The notice to such owners of lands may be served by any constable or one  
 2 of the petitioners, or other person of lawful age, at least five days before the time  
 3 of appearance. If any of such owners is an infant, such summons shall be served  
 4 by delivering a copy to the infant or its guardian, if any; if no guardian, the person  
 5 with whom he or she resides. If any owner is a lunatic, or habitual drunkard hav-  
 6 ing a conservator, or insane, by delivering a copy to his conservator, if any; if any  
 7 such owner is a married woman, by delivering a copy to her.

§ 84. The jury shall appear before and be sworn or affirmed by such justice,  
 2 faithfully and impartially to assess the damage of each of the owners specified in  
 3 such certificate, or those of them whose claims are then to be adjusted according to



4 law to the best of their judgment and understanding: and all parties in interest  
 5 shall be entitled to subpoenas and other writs and papers and the trial shall be con-  
 6 ducted as in other civil cases:

§ 85. The jury shall hear such lawful evidence touching the question of such  
 2 damages as may be presented to them; and shall also, on request of a majority of  
 3 the road commissioners or owners of lands whose damages are to be determined, in  
 4 a body, visit and examine the proposed location, alteration, widening or vacation of  
 5 such road and the lands to be taken and affected thereby, and make a written ver-  
 6 dict specifying the amount of damages, if any, which each such owner shall recover,  
 7 and return the same to such justice, to be by him entered on his docket in the na-  
 8 ture of a judgment, to be paid by such commissioners, together with the costs of  
 9 such suit, in case they shall finally determine to establish, alter, widen or vacate  
 10 such road; and the money therefor shall be paid by the town, out of the funds in  
 11 the hands of the treasurer of the commissioners of highways, raised for road and  
 12 bridge purposes: *Provided*, that in estimating the damages, the jury may consider  
 13 the benefits conferred, or may disregard such benefits; but no benefits enjoyed in  
 14 common by the owners of surrounding property shall be considered in estimating  
 15 damages.

§ 86. *Provided*, that when there are several such owners the jury may assess the  
 2 damages, of one or more or all of them at the same time, or they may assess such  
 3 damages at different times, or there may be different juries and trials at different  
 4 times for different owners if any owner shall demand a separate trial; and any such  
 5 assessment of damages may be continued from time to time for good cause, with the  
 6 like effect as continuances in other cases before justices of the peace.

§ 87. Within thirty days after the total amount of damages shall have been  
 2 ascertained, either by release or agreement of the parties, or by assessment before a  
 3 justice of the peace and a jury, in the manner hereinbefore provided, the commis-  
 4 sioners shall hold a meeting to finally determine upon the laying out, altering,  
 5 widening or vacation of such road, of which meeting said commissioners shall give  
 6 public notice, by causing not less than three notices thereof to be posted in public  
 7 places within the town, at least five days prior thereto.

§ 88. In cases where the damages are not wholly released or agreed upon, and the  
 2 commissioners shall be of the opinion that the damages assessed by the jury are  
 3 manifestly too high, and that the payment of the same would be an unreasonable  
 4 burden upon the taxpayers of the town, the commissioners may revoke all proceed-  
 5 ings had upon the petition by a written order to that effect. And such revocation  
 6 shall have the effect to annul all such proceedings and assessments, releases and agree-  
 7 ments, in respect to damages growing out of the proceedings upon the petition.

§ 89. In case the commissioners shall not revoke such prior proceedings they shall  
 2 make an order, to be signed by them, declaring such road so altered, widened or laid  
 3 out a public highway, and which order shall contain or have annexed thereto a def-  
 4 inite description of the line of such road, together with a plat thereof. The commis-  
 5 sioners shall, within ten days from the date of such order, cause the same, together  
 6 with the report of the surveyor, the petition and releases or agreements in respect to  
 7 damages, to be deposited and filed in the office of the town clerk, who shall note up-  
 8 on such order the date of such filing. It shall be the duty of such clerk, after the time  
 9 for appeal to supervisors has expired, and in the case of such appeal, after the same  
 10 shall have been determined, in case the prayer of the petition is granted, to record  
 11 such order, together with the plat of the surveyor, in a proper book to be kept for  
 12 that purpose.

§ 90. In cases where the damages claimed by the land owners for the right of  
 2 way is released, or is agreed upon between the land owners and the commissioners,  
 3 the commissioners may, at their first meeting or at any adjourned meeting, examine  
 4 the route of the road, and cause a survey thereof to be made, and make their order  
 5 establishing, altering, widening or vacating the road, according to the prayer of the  
 6 petition, and return the same within the time and manner specified in this act.

§ 91. Any person or persons interested in the establishment, alteration, widen-  
 1 ing or vacation of any road in this state, are hereby authorized to offer inducements  
 2 to the commissioners of highways, for the establishment, alteration, widening or  
 3 vacation of any such road, by entering into contract with said commissioners, condi-  
 4 tioned upon such establishment, alteration, widening or vacating, to pay money or  
 5 any other valuable thing to the town, for the benefit of the road and bridge funds or  
 6 the same; or to perform any labor, or to construct any road, bridge or culvert on any

7 road which said person or persons desire to have established, widened or altered.

8 And such contracts, in writing, made with said commissioners, shall be deemed  
9 good and valid in law, and may be enforced by said commissioners or their successors  
10 in office, before any court having jurisdiction.

§ 92. The record of the town clerk, or a certified copy of such record and papers,  
2 relating to the establishment, location, alteration, widening or vacation of any road,  
3 shall be *prima facie* evidence in all cases that all the necessary antecedent provisions  
4 had been complied with, and that the action of the commissioners of highways, or  
5 other persons and officers in regard thereto, were regular in all respects.

§ 93. Roads for private and public use of the width of three rods or less, may be  
2 laid out from one dwelling or plantation of an individual to any public road, or from  
3 one public road to another, or from one lot of land to another, or from a lot of land  
4 to the highway, on petition to the commissioners of highways, by any person direct-  
5 ly interested. The commissioners, on receiving such petition, shall have power to  
6 lay out the road as asked for therein, to which end they shall proceed and examine  
7 into the merits of the case, and shall be governed in their proceedings by the rules and  
8 regulations prescribed in this act in relation to public roads. The jury shall consider  
9 the damages that may result to parties from said proposed road, and shall assess the  
10 damages to each individual owner of lands affected thereby. The amount of such  
11 damages shall be paid by the person benefited thereby to the extent and in propor-  
12 tion that they are benefited, to be determined and declared by the jury. The remain-  
13 der of the amount of damages over and above that to be paid by the parties  
14 as aforesaid, shall be paid by the land as in other cases. The amount of  
15 damages to be paid by individuals shall be paid to the parties entitled thereto before  
16 the road shall be opened for use. An appeal may be taken on the question of  
17 the propriety and necessity of such road as in other cases.

§ 94. If such private road or cartway shall not be opened by the petitioners or  
2 other assigns within two years from the time of making the order for the location of  
3 the same, such order shall be regarded as rescinded.

§ 95. When such private road or cartway is proposed to pass over inclosed lands  
2 the owners of such lands shall have a reasonable time, not exceeding eight months,

3 to be designated by the commissioners of highways, to harvest crops and remove  
4 fences which may be on such lands before such road or cartway shall be opened.

§ 96. The commissioners of highways may, in their discretion, pay persons who  
2 live on or have private roads which are used by the public, for work done on such  
3 roads; but in no case shall they be allowed more than the amount of their road tax  
4 for the year in which the work is done.

§ 97. Public roads may be established, altered, widened or vacated on township or  
2 county lines, in the same manner as other public roads, except that in such case a  
3 copy of the petition shall be posted up in and presented to the commissioners of  
4 highways of each town interested, said petition to be as in other cases, and signed  
5 by not less than twelve freeholders residing in either county, within three miles of  
6 the road so to be altered, widened, located or laid out; whereupon it shall be the  
7 duty of the commissioners of highways of the several towns to meet, and act as one  
8 body, in the same time and manner as in other cases, in considering the petition, view-  
9 ing the premises, adjusting damages and making all orders in reference to such pro-  
10 posed road, alteration, widening or vacation and a majority of all such commission-  
11 ers must concur in all such orders; and a copy of all final orders and plats and pa-  
12 pers shall be filed and recorded in each of the counties and towns interested.

§ 98. The commissioners of highways shall also, in case a new road is established,  
2 allot to each of such towns the part of such roads which such town shall open and  
3 keep in repair, and the part so allotted shall be considered as wholly belonging to  
4 such town. They shall also divide the expenses and damages which may accrue  
5 from such location, widening or alteration, and if they cannot agree, they shall refer  
6 the matter to three disinterested freeholders, as arbitrators, whose decision shall be  
7 final.

§ 99. Any persons interested in the decision of the commissioners of highways, in  
2 determining to or in refusing to lay out, alter, widen or vacate any road, or revoking  
3 any previous order or decision relative to any road, or from the verdict of any jury  
4 in assessing damages in opening, altering or vacating any road, may appeal from such  
5 decision to three supervisors of the county, outside of the town in which such road or pro-  
6 posed road is located, by giving a written notice of such appeal to said commissioners.

7 of highways, and to at least three of the petitioners, and also to the same parties, a  
 8 notice when and where such appeal will be tried, at least three days before such trial  
 9 within ten days after such decision has been filed in the office of the proper clerk; and  
 10 shall also present a written petition to some justice of the peace of the county, asking  
 11 for an appeal, and stating on what grounds such appeal is taken.

§ 100. It shall be the duty of the justice of the peace to cause to be summoned  
 2 three supervisors of the county to hear such appeal; and said supervisors shall fix  
 3 upon a time and place when said appeal will be heard by them; and upon such ap-  
 4 peal the said supervisors shall have the same power and authority that is by this act  
 5 conferred on the commissioners of highways, not only in regard to the laying out, alter-  
 6 ing, widening or vacating any road, but shall have the same power to cause a jury to be  
 7 called to assess damages, whenever the state of the proceedings require it, and the  
 8 supervisors can not agree with the owners of the land in regard to the same.

§ 101. And they shall make a report of their proceedings and decision in the case,  
 2 and in like manner that is by this act required by the highway commissioners, and  
 3 shall be entitled to the same compensation; and their decision shall be final in regard  
 4 to laying out, altering, widening or vacating such road, or in refusing to do the same,  
 5 for one year after such decision.

§ 102. Any party taking an appeal from the award of the decision of the highway  
 2 commissioners, or the verdict of the jury, shall pay the cost of such appeal, in case  
 3 the award or the decision of the highway commissioners, or the verdict of a jury is  
 4 in all things sustained; and shall file a sufficient bond with the justice of the peace or  
 5 town clerk, before taking such appeal, guaranteeing such payment in such case.

§ 103. The decision of a majority of the supervisors in any appeal case shall be  
 2 taken as the decision of said supervisors.

§ 104. When the commissioners of highways of one town disagree with the com-  
 2 missioners of highways of an adjoining town in regard to the laying out of a new road,  
 3 or the alteration, widening or vacation of an old road, on any county or town line,  
 4 appeals may be taken from such decision in the same manner as set forth in section  
 5 99 of this act; *Provided*, that when such decision is in regard to a road on a county  
 6 line, two supervisors and one commissioner of highways shall be selected from one

7 county, and two commissioners of highways and one supervisor shall be selected  
 8 from the other. The county from which the two supervisors shall be selected, shall  
 9 be determined by the party or parties taking the appeal, and the justice of the peace  
 10 shall issue his summons accordingly.

§ 105. All roads heretofore laid out upon town or county lines shall be divided,  
 2 allotted and kept in repair in the manner as hereinbefore directed. Any public  
 3 road that is or shall hereafter be laid out on a county or town line, shall be held to  
 4 be a road on a county or town line, although, owing to the topography of the ground  
 5 along said county or town line or at the crossing of any stream of water, the proper  
 6 authorities, in establishing or locating such road, may have located a portion of the  
 7 same to one side of such county or town line.

§ 106. Roads may be laid out and opened upon the line between this and any ad-  
 2 joining state, as provided in the preceding sections, whenever the laws of such ad-  
 3 joining state shall be applicable.

§ 107. Bridges over streams which divide towns or counties, and bridges over  
 2 streams on roads on county or town lines, shall be built and repaired at the equal,  
 3 expense of such towns or counties; *Provided*, that for the building and maintaining of  
 4 bridges over streams near county or town lines, in which both are equally interested,  
 5 the expense of building and maintaining any such bridges shall be borne equally by  
 6 both counties or towns.

§ 108. For the purpose of building or keeping in repair such bridge or bridges, it shall  
 2 be lawful for the commissioners of highways of such adjoining towns or counties to  
 3 enter into joint contracts, and such contracts may be enforced, in law or equity,  
 4 against such commissioners jointly, the same as if entered into by individuals, and  
 5 such commissioners may be proceeded against, jointly, by any parties interested in  
 6 such bridge or bridges, for any neglect of duty in reference to such bridge or  
 7 bridges, or for any damages growing out of such neglect.

§ 109. If the commissioners of highways of either of such towns, after a reasona-  
 2 ble notice in writing from the commissioners of highways of any other such towns,  
 3 shall neglect or refuse to build or repair any such bridge, when any contract or  
 4 agreement has been made in regard to the same, it shall be lawful for the commis-

5 sioners so giving notice to build or repair the same, and to recover, by suit, one-half  
 6 (or such amount as shall have been agreed upon, of the expense of so building or re-  
 7 pairing such bridge, with costs of suit and interest from the time of the completion  
 8 thereof, from the commissioners so neglecting or refusing.

§ 110. Any judgment so recovered against the commissioners of highways of either  
 2 of such towns, shall be a charge on such town, unless the court shall certify that the  
 3 neglect of or refusal of such commissioners was willful or malicious, in which case  
 4 only such commissioners shall be personally liable for such judgment, and the same  
 5 may be enforced against them in their personal and individual capacity.

§ 111. When it shall be necessary to build, construct or repair any bridge or road in  
 2 any town, which would be an unreasonable burden to the same, the cost of which will  
 3 be more than can be raised in one year by ordinary road taxes in such town, the com-  
 4 missioners of highways shall present a petition to the county board of the county in  
 5 which such town is situated, praying for an appropriation from the county treasury  
 6 to aid in the building, constructing or repairing of such bridge or road, and such  
 7 county board may, a majority of all the members elect, voting for the same, make an  
 8 appropriation of so much for that purpose as, in their judgment, the nature of the  
 9 case requires and the funds of the county will justify; said appropriation to be ex-  
 10 pended under the supervision of an authorized agent or agents of the county, if the  
 11 county board shall so order.

§ 112. When it shall be necessary to build a bridge in any town which would re-  
 2 quire a larger sum of money to complete than is authorized to be raised by taxation  
 3 under the constitution upon a single year's assessment, the commissioners of high-  
 4 ways shall petition the supervisor of the town to call a special town meeting to vote  
 5 on the proposition "to borrow money to build a bridge," which said petition shall be  
 6 signed by said commissioners in their official capacity, and by at least twenty-five  
 7 freeholders of such town, and thereupon such petition shall be filed in the office of the  
 8 town clerk of such town. Upon the filing of said petition, the supervisor shall order  
 9 the town clerk, by an instrument in writing, to be signed by him, to post up in four  
 10 of the most public places in said town, notices of such special town meeting; which

11 notice shall state the object, time and place of meeting, and the manner in which the  
 12 voting is to be had, which shall be invariably by ballot, and shall be "to borrow  
 13 money to build a bridge," when the voter desires to vote in favor of that proposition,  
 14 and "against the proposition to borrow money to build a bridge," when the voter de-  
 15 sires to vote against said proposition. The special town meeting shall be held and re-  
 16 turns thereof made in the same manner as other special town meetings are now or may  
 17 hereafter be provided by law; and if it shall appear that a majority of the legal vo-  
 18 ters voting at said election shall be in favor of said proposition, the supervisor and  
 19 town clerk, acting under the direction of the commissioners of highways of said town,  
 20 shall issue from time to time, as the work progresses, a sufficient amount in the ag-  
 21 gregate of the bonds of said town for the purpose of building such bridge; said bonds  
 22 to be of such denominations, bear such rate of interest, not exceeding ten per cent,  
 23 upon such time, and be disposed of as the necessities and conveniences of said town  
 24 officers require: *Provided*, that said bonds shall not be sold or disposed of for less  
 25 than their par value, and such town shall provide for the payment of such bonds and  
 26 the interest thereon by appropriate taxation.

§ 113. Upon the petition of twelve legal voters, it shall be the duty of the com-  
 2 missioners of highways of each town, within a reasonable time, to employ a  
 3 competent surveyor, and have any road or roads designated in such petition in their  
 4 several towns re-surveyed, and plats thereof made, which plats and surveys shall be  
 5 by them filed for record in the office of the town clerk: *Provided*, that this section  
 6 shall not apply where the same has been already done, unless the exact location of  
 7 such road is uncertain.

§ 114. The establishment of a new road on the route of a road already established  
 2 according to law, shall not vacate the road previously established, unless such vaca-  
 3 tion is prayed for in the petition and so declared in the order establishing the new  
 4 road.

§ 115. The commissioners of highways of the several towns are hereby author-  
 2 ized to contract for the building and repairing of bridges in their respective towns,  
 3 and they may let such contracts by a public letting to the lowest responsible bidder,  
 4 upon proper notice being given by posting copies of such notice in at least three



5 public places in their town, not less than ten days before the time of such public  
 6 letting; or if they deem it to be to the interest of their town, they may, to an  
 7 amount not exceeding twenty-five dollars, privately contract with persons, as they  
 8 shall deem best, for putting bridges in good repair; but in no case shall such con-  
 9 tracts exonerate such commissioners from liability for failure to keep such bridges  
 10 in repair.

§ 116. *Provided*, that the collector of taxes shall receive from any tax-payer, in  
 2 payment of said tax-payer's road and bridge tax, any order of the commissioners  
 3 of highways, on their treasurer, for work done or material furnished for the con-  
 4 struction or repairs of the highways or bridges, in any sum not to exceed the  
 5 amount of such person's road and bridge tax then due.

§ 117. Whenever a public road is ordered to be established or altered, according  
 2 to the provisions of this act, which road shall pass through or on inclosed land, the  
 3 commissioners of highways shall give the owner or occupant of such land sixty  
 4 day's notice in writing, to remove his fences. If such owner or occupant does not  
 5 remove his fence within sixty days after such notice, the commissioners shall cause  
 6 the same to be removed, and direct the road to be opened and worked; and such  
 7 owner shall forfeit to such commissioners the sum of one dollar for every day he  
 8 shall permit his fence to remain after the expiration of said sixty days, and shall  
 9 pay all necessary cost of removal, to be collected by said commissioners before any  
 10 justice of the peace having jurisdiction.

§ 118. The commissioners of highways shall receive for their services the sum of  
 2 one dollar and fifty cents per day for each day necessarily employed in the perform-  
 3 ance of their duties, the same to be audited by the town auditors and paid out of  
 4 the town funds.

§ 119. All highways laid out by order of the commissioners or supervisors, on  
 2 appeal, shall be opened within five years from the time of laying out the same. If  
 3 not opened within the time aforesaid, the same shall be deemed to be vacated.

§ 120. The highway commissioners of each town shall, annually, ascertain, as  
 2 near as practicable, how much money must be raised by tax on real and personal  
 3 property for the making and repairing of bridges, the payment of damages by

4 reason of the opening, altering and laying out of new roads, the purchase of nec-  
 5 essary tools, implements and machinery for working roads; the purchase of the neces-  
 6 sary material for building or repairing roads and bridges, the pay of the overseers of  
 7 highways during the ensuing year, and shall levy a tax on all the real and personal  
 8 property in said town, not exceeding forty cents on the one hundred dollars; and  
 9 they shall give to the supervisor of the township, and in Cook county to the county  
 10 board, a statement of the amount necessary to be raised, and the rate per cent. of  
 11 taxation, signed by said commissioners, or a majority of them, on or before the  
 12 Tuesday next preceding the annual September meeting of the board of supervisors,  
 13 or the county board in Cook county, who shall cause the same to be submitted to  
 14 said board for their action at such September meeting of said board; *Provided*,  
 15 that if the commissioners of highways, or any three legal voters, shall give notice, by  
 16 posting notices in at least three of the most public places of the town at least ten  
 17 days before the annual town meeting, that a larger amount of money will be requir-  
 18 ed for the purpose of constructing or repairing roads or bridges in their town than  
 19 can be realized from the real and personal property tax authorized by law to be  
 20 assessed by the commissioners, the legal voters present at such meeting may au-  
 21 thorize an additional amount to be raised, by tax, not exceeding sixty cents on each  
 22 one hundred dollars' valuation, and said board shall cause the same to be extended  
 23 on the tax books.

§ 121. According to the amount certified as aforesaid, the county clerk, when  
 2 making out the tax books for state and county taxes for the collector, shall extend  
 3 the necessary tax in a separate column against each taxpayer's name, or taxable  
 4 property, as other taxes are extended, which shall be collected the same as state and  
 5 county taxes.

§ 122. It shall be the duty of the county clerk to make out and deliver, on de-  
 2 mand, to the treasurer of the commissioners of highways, a certificate of the aggre-  
 3 gate amount of tax so levied and placed upon the tax books.

§ 123. The tax so collected shall be paid to the treasurer of the commissioners of  
 2 highways, except as provided in section sixteen (16) of this act, by the collector, as

3 fast as the same is collected, except such rate per cent. as shall be allowed for col-  
 4 lecting the same.

§ 124. The commissioners of highways shall furnish to the clerk of the county  
 2 court, previous to the first day of October in each year, a list of taxpayers (alphabet-  
 3 ically arranged) of each district.

§ 125. Any tax or moneys collected by the township or county collectors of the  
 2 various counties for road and bridge purposes under the provisions of an act entitled  
 3 "An act in regard to roads and bridges," approved April 10, 1872, shall be paid by  
 4 said collectors to the treasurer of commissioners of highways, and be by said  
 5 commissioners, after reserving sufficient to pay for the purchase of implements and  
 6 payment of damages, and the pay of overseers, distributed to the overseers of high-  
 7 ways of the various road districts from which it was collected, as near as may be.  
 8 Said moneys shall be used by said overseers in improving the roads and bridges in  
 9 their respective towns.

§ 126. That an act entitled "An act in regard to roads and bridges, in counties  
 2 under township organization," approved May 26, 1877, and all other acts and parts  
 3 of acts inconsistent herewith be, and the same are, hereby repealed: *Provided*, that  
 4 the repeal of said act shall not affect any suit or proceeding pending, or impair any  
 5 right existing at the time this act shall take effect.

§ 127. Whereas, an emergency exists, therefore this act shall take effect and be  
 2 in force from and after its passage.

1. Introduced by Mr. DeLany February 3, 1879, and ordered to first reading.
2. First reading February 3, 1879, and referred to Committee on Judiciary.
3. Reported back, passage recommended, and ordered to second reading February 20, 1879.

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## A BILL

For an act to amend sections seven, twenty-three and ninety-eight of an act entitled "An act in regard to the administration of estates," approved April 1, 1872.

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SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Sections seven, twenty-three and ninety-eight of an act entitled "An act in regard to the administration of estates" approved April 1, 1872, be and the same is hereby amended so as to read as follows :

§ 7. All executors hereafter appointed in cases where the will vests in the executor or executors power to convey, or power to sell and convey the real estate, or any part thereof of the testator, unless the testator otherwise directs in the will, shall before entering upon their duties, enter into bond with good and sufficient security to be approved by the county or probate court, in a sum double the value of the estate, and payable to the people of the State of Illinois for the use of the parties interested; in the form hereinafter provided. And all executors and administrators with the will annexed, hereafter appointed, in cases where no power is given by the will to sell or convey the real estate, or any portion thereof, of the testator, unless the testator shall otherwise direct in the will, shall before entering upon their duties enter into bond with good and sufficient security to be approved by the county or probate court in a reasonable sum which shall in no case be less than double the amount of the value of personal property of the estate, and double the amount of the value of the improvements and timber on the real estate of the testator if any there be, payable to the people of the

15 State of Illinois for the use of the parties interested, which bond shall be in the follow-  
 16 ing form:

17 Know all men by these presents, that we, A. B. C. D. and E. F. of the county  
 18 of \_\_\_\_\_ and State of Illinois, are held and firmly bound unto the people of  
 19 the State of Illinois in the penal sum of \_\_\_\_\_ dollars current money of the United  
 20 States which payment well and truly to be made and performed, we and each of us  
 21 bind ourselves, our heirs, executors and administrators, jointly, severally and firmly by  
 22 these presents. Witness our hands and seals this \_\_\_\_\_ day of \_\_\_\_\_ A. D. 18

23 The condition of the above obligation is such, that if the above bounden A. B. exe-  
 24 cutor of the last will and testament of G. H. deceased (or administrator with the will  
 25 annexed of G. H. deceased, as the case may be,) to make, or cause to be made, a true  
 26 and perfect inventory of all and singular the goods and chattels, rights and credits,  
 27 lands, tenements and hereditaments, and the rents and profits issuing out of the same,  
 28 of the said deceased, which have or shall come to the hands, possession or knowledge  
 29 of the said A. B. or into the possession of any person for him and the same so made do  
 30 exhibit in the county (or probate) court for said county of \_\_\_\_\_ as required by  
 31 law; and also make and render a fair and just account of his actings and doings as  
 32 such executor (or administrator) to said court, when thereto lawfully required; and  
 33 do well and truly fulfil the duties enjoined on him in and by the said will; and shall  
 34 moreover, pay and deliver to the persons entitled thereto, all the legacies and bequests  
 35 contained in said will, so far as the estate of the said testators will thereunto extend,  
 36 according to the value thereof, and as the law shall charge him; and shall in general,  
 37 do all other acts which may from time to time be required of him by law, then this  
 38 obligation to be void; otherwise to remain in full force and virtue. Which said bond  
 39 shall be signed and sealed by the said executor (or administrator) and his securities  
 40 and filed in the office of the clerk of the county court and spread upon the records.

§ 23. Every administrator, except as is hereinbefore in section eight provided, shall  
 3 before entering upon the duties of his office, enter into bond, with good and sufficient  
 3 security, to be approved by the county or probate court in a sum double the value of  
 4 the personal estate, and double the value of all improvements and timber on the real  
 5 estate of the deceased if any, and payable to the people of the State of Illinois for the  
 6 use of the parties interested substantially in the following form to-wit:

7 Know all men by these presents, that we A. B. C. D. and E. F. of the county of  
8 and State of Illinois, are held and firmly bound unto the people of  
9 the State of Illinois in the penal sum of dollars, current money of the  
10 United States, which payment well and truly to be made and performed, we and each  
11 of us bind ourselves, our heirs, executors and administrators, jointly, severally and  
12 firmly by these presents. Witness our hands and seals this day of 18  
13 The condition of the above obligation is such that if the said A. B. administrator of  
14 all and singular the goods and chattels, rights and credits of J. K. deceased, do make  
15 or cause to be made, a true and perfect inventory of all and singular the goods and  
16 chattels, rights and credits of the said deceased, which shall come to the hands, pos-  
17 session or knowledge of him, the said A. B. as administrator, or to the hands of any  
18 person or persons for him; and the same so made do exhibit or cause to be exhibited,  
19 in the county (or probate) court of the said county of agreeably to law;  
20 and such goods and chattels, rights and credits, do well and truly administer according  
21 to law, and all the rest of the said goods and chattels, rights and credits, which shall  
22 be found remaining upon the account of the said administrator the same being at first  
23 examined and allowed by the court, shall deliver and pay unto such person or persons  
24 respectively, as may be legally entitled thereto; and further, do make a just and true  
25 account of all his actings and doings therein, when thereunto required by the said  
26 court; and if it shall appear that any last will and testament was made by the de-  
27 ceased, and the same be proved in court, and letters testamentary or of administration  
28 be obtained thereon, and the said A. B. do in such case, on being required thereto,  
29 render and deliver up the letters of administration, granted to him as aforesaid, and  
30 shall in general do and perform all other acts which may at any time be required of  
31 him by law, then this obligation to be void, otherwise to remain in full force and  
32 virtue." Which bond shall be signed and sealed by the said administrator and his se-  
33 curities, attested by the clerk of the court and filed in his office, and in all cases where  
34 bonds shall be taken from any administrator *de bonis non*, or in any other case where a  
35 form shall not be prescribed in this act, the same shall be made, as nearly as may be, in  
36 conformity with the form above prescribed with corresponding variations to suit each  
37 particular case.

§ 98. When the executor or administrator has made a just and true account of the

2 personal estate and debts to the county (or probate) court, and it is ascertained that  
3 the personal estate of a decedent is insufficient to pay the just claims against his estate,  
4 and there is real estate to which such decedent had claim or title, such real estate, or  
5 such portion as may be necessary to satisfy the indebtedness of such decedent, and the  
6 expenses of administration, may be held in the manner herein provided: *Provided*, the  
7 said county (or probate) court shall make no order for a sale of any such real estate  
8 until the executor or administrator shall have executed and filed a bond payable to the  
9 People of the State of Illinois, with at least two sufficient sureties to be approved by  
10 the court, in double the value of the real estate sought to be sold, conditioned for the  
11 due and faithful accounting for, and disposition of the proceeds of all real estate that  
12 may be sold by him, under such order, in the manner provided by law: which bond  
13 may be put in suit in the name of the People of the State of Illinois, to the use of any  
14 person entitled to recover on a breach thereof and damages assessed and proceedings  
15 had thereon as in other cases of penal bonds.

1. Introduced by Mr. DeLany February 3, 1879, and ordered to first reading.
2. First reading February 3, 1879, and referred to Committee on Judiciary.
3. Reported back, passage recommended, and ordered to second reading February 20, 1879.
4. March 11, second reading, amended and ordered to third reading.

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## A BILL

For an act to amend sections seven (7), twenty-three (23) and ninety-eight (98) of an act entitled "An Act in regard to the administration of estates," approved April 1, 1872.

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SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly, That sections seven (7), twenty-three (23) and ninety-eight (98) of an act entitled "An Act in regard to the administration of estates," approved April 1, 1872, be and the same is hereby amended so as to read as follows :*

§ 7. All executors hereafter appointed, in cases where the will vests in the executor or executors power to convey, or power to sell and convey the real estate, or any part thereof of the testator, unless the testator otherwise directs in the will, shall, before entering upon their duties, enter into bond, with good and sufficient security, to be approved by the county or probate court, in a sum double the value of the personal estate and such of the real estate as they may be expressly, or by implication, authorized by such will to sell, and at least one year's rents and profits of such real estate as they may have authority to rent or use, and payable to the people of the State of Illinois, for the use of the parties interested; in the the form hereinafter provided. And all executors and administrators, with the will annexed, hereafter appointed, in cases where no power is given by the will to sell or convey the real estate, or any portion thereof, of the testator, unless the testator shall otherwise direct in the will, shall, before entering upon their duties, enter into bond with good and sufficient security, to be approved by the county or probate court, in a reasonable sum, which shall, in no case, be less than double the amount of the value of the personal property of the estate,



16 payable to the people of the State of Illinois for the use of the parties interested,  
 17 which bond shall be in the following form :

18 Know all men by these presents, that we, A. B. C. D. and E. F. of the county  
 19 of                      and State of Illinois, are held and firmly bound unto the people of  
 20 the State of Illinois in the penal sum of                      dollars current money of the United  
 21 States, which payment well and truly to be made and performed, we and each of us  
 22 bind ourselves, our heirs, executors and administrators, jointly, severally and firmly by  
 23 these presents. Witness our hands and seals this                      day of                      A. D. 18.

24 The condition of the above obligation is such that if the above bounden A. B. exe-  
 25 cutor of the last will and testament of G. H., deceased (or administrator with the will  
 26 annexed of G. H., deceased, as the case may be), do make, or cause to be made, a true  
 27 and perfect inventory of all and singular the goods and chattels, rights and credits,  
 28 lands, tenements and hereditaments, and the rents and profits issuing out of the same,  
 29 of the said deceased, which have or shall come to the hands, possession or knowledge  
 30 of the said A. B. or into the possession of any person for him and the same so made do  
 31 exhibit in the county (or probate) court for said county of                      as required by  
 32 law ; and also make and render a fair and just account of his actings and doings as  
 33 such executor (or administrator) to said court, when thereunto lawfully required ; and  
 34 do well and truly fulfill the duties enjoined on him in and by the said will ; and shall  
 35 moreover, pay and deliver to the persons entitled thereto, all the legacies and bequests  
 36 contained in said will, so far as the estate of the said testator will thereunto extend,  
 37 according to the value thereof, and as the law shall charge him ; and shall in general,  
 38 do all other acts which may from time to time be required of him by law, then this  
 39 obligation to be void ; otherwise to remain in full force and virtue, which said bond  
 40 shall be signed and sealed by the said executor (or administrator) and his securities  
 41 and filed in the office of the clerk of the county court and spread upon the records.

§ 28. Every administrator, except as is hereinbefore in section eight provided, shall  
 2 before entering upon the duties of his office, enter into bond, with good and sufficient  
 3 security, to be approved by the county or probate court in a sum double the value of  
 4 the personal property of the estate, and payable to the people of the State of Illinois for  
 5 the use of the parties interested substantially in the following form, to-wit :

7 Know all men by these presents, That we, A B, C D, and E F, of the county of  
 8 , and State of Illinois, are held and firmly bound unto the people of  
 9 the State of Illinois in the penal sum of dollars, current money of the  
 10 United States, which payment well and truly to be made and performed we and each  
 11 of us bind ourselves, our heirs, executors and administrators, jointly, severally and  
 12 firmly by these presents. Witness our hands and seals, this day of , 18

13 The condition of the above obligation is such that if the said A B, administrator of  
 14 all and singular the goods and chattels, rights and credits of J K, deceased, do make,  
 15 or cause to be made, a true and perfect inventory of all and singular the goods and  
 16 chattels, rights and credits of the said deceased, which shall come to the hands, pos-  
 17 session or knowledge of him, the said A B, as administrator, or to the hands of any  
 18 person or persons for him; and the same so made do exhibit, or cause to be exhibited,  
 19 in the county (or probate) court of the said county of , agreeably to law;  
 20 and such goods and chattels, rights and credits, do well and truly administer according  
 21 to law, and all the rest of the said goods and chattels, rights and credits, which shall  
 22 be found remaining upon the account of the said administrator, the same being at first  
 23 examined and allowed by the court, shall deliver and pay unto such person or persons  
 24 respectively, as may be legally entitled thereto; and, further, do make a just and true  
 25 account of all his actings and doings therein, when thereunto required by the said  
 26 court; and if it shall appear that any last will and testament was made by the de-  
 27 ceased, and the same be proved in court, and letters testamentary or of administration  
 28 be obtained thereon, and the said A. B. do in such case, on being required thereto,  
 29 render and deliver up the letters of administration, granted to him as aforesaid, and  
 30 shall in general do and perform all other acts which may at any time be required of  
 31 him by law, then this obligation to be void, otherwise to remain in full force and  
 32 virtue." Which bond shall be signed and sealed by the said administrator and his  
 33 securities, attested by the clerk of the court and filed in his office, and in all cases where  
 34 bonds shall be taken from any administrator *de bonis non*, or in any other case where a  
 35 form shall not be prescribed in this act, the same shall be made, as nearly as may be, in  
 36 conformity with the form above prescribed with corresponding variations to suit each  
 37 particular case.

§ 98. When the executor or administrator has made a just and true account of the

2 personal estate and debts to the county (or probate) court, and it is ascertained that  
3 the personal estate of a decedent is insufficient to pay the just claims against his estate,  
4 and there is real estate to which such decedent had claim or title, such real estate, or  
5 such portion as may be necessary to satisfy the indebtedness of such decedent, and the  
6 expenses of administration, may be sold in the manner herein provided: *Provided*, the  
7 said county (or probate) court shall make no order for a sale of any such real estate  
8 until the executor or administrator shall have executed and filed a bond payable to the  
9 People of the State of Illinois, with at least two sufficient sureties, to be approved by  
10 the court, in double the value of the real estate sought to be sold, conditioned for the  
11 due and faithful accounting for and disposition of the proceeds of all real estate that  
12 may be sold by him, under such order, in the manner provided by law; which bond  
13 may be put in suit in the name of the People of the State of Illinois, to the use of any  
14 person entitled to recover on a breach thereof, and damages assessed and proceedings  
15 had thereon as in other cases of penal bonds.

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(In House.)

1. Reported to House April 24, 1879.
2. First reading April 24, and referred to Committee on Judiciary.
3. Reported back, passage recommended and ordered to second reading May 28.

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## A BILL

For an act to amend sections seven (7), twenty-three (23) and ninety-eight (98) of an act entitled "An act in regard to the administration of estates," approved April 1, 1872.

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SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That sections seven (7), twenty-three (23) and ninety-eight (98) of an act entitled "An act in regard to the administration of estates," approved April 1, 1872, be and the same is hereby amended so as to read as follows:

§ 7. All executors hereafter appointed, in cases where the will vests in the executor or executors power to convey, or power to sell and convey the real estate, or any part thereof of the testator, unless the testator otherwise directs in the will, shall, before entering upon their duties, enter into bond, with good and sufficient security, to be approved by the county or probate court, in a sum double the value of the personal estate and such of the real estate as they may be expressly, or by implication, authorized by such will to sell, and at least one year's rents and profits of such real estate as they may have authority to rent or use, and payable to the people of the State of Illinois, for the use of the parties interested, in the form hereinafter provided. And all executors and administrators, with the will annexed, hereafter appointed, in cases where no power is given by the will to sell or convey the real estate, or any portion thereof, of the testator, unless the testator shall otherwise direct in the will, shall, before entering upon their duties, enter into bond with good and sufficient security, to

14 be approved by the county or probate court, in a reasonable sum, which shall, in no  
 15 case, be less than double the amount of the value of the personal property of the estate,  
 16 payable to the people of the State of Illinois for the use of the parties interested, which  
 17 bond shall be in the following form :

18 Know all men by these presents, that we, A. B., C. D. and E. F., of the county  
 19 of \_\_\_\_\_ and State of Illinois, are held and firmly bound unto the people of  
 20 the State of Illinois, in the penal sum of \_\_\_\_\_ dollars current money of the United  
 21 States, which payment well and truly to be made and performed, we and each of us  
 22 bind ourselves, our heirs, executors and administrators, jointly, severally and firmly by  
 23 these presents. Witness our hands and seals this \_\_\_\_\_ day of \_\_\_\_\_, A. D. 18 \_\_\_\_.

24 The condition of the above obligation is such that if the above bounden A. B., ex-  
 25 ecutor of the last will and testament of G. H., deceased (or administrator with the will  
 26 annexed of G. H., deceased, as the case may be), do make, or cause to be made, a true  
 27 and perfect inventory of all and singular the goods and chattels, rights and credits,  
 28 lands, tenements and hereditaments, and the rents and profits issuing out the same,  
 29 of the said deceased, which have or shall come to the hands, possession or knowledge  
 30 of the said A. B. or into the possession of any person for him and the same so made do  
 31 exhibit in the county (or probate) court for said county of \_\_\_\_\_ as required by  
 32 law; and also make and render a fair and just account of his actings and doings as  
 33 such executor (or administrator) to said court, when thereunto lawfully required; and  
 34 do well and truly fulfill the duties enjoined on him in and by the said will; and shall  
 35 moreover, pay and deliver to the persons entitled thereto, all the legacies and bequests  
 36 contained in said will, so far as the estate of the said testator will thereunto extend,  
 37 according to the value thereof, and as the law shall charge him, and shall, in general,  
 38 do all other acts which may from time to time be required of him by law, then this  
 39 obligation to be void; otherwise, to remain in full force and virtue, which said bond  
 40 shall be signed and sealed by the said executor (or administrator) and his securities and  
 41 filed in the office of the clerk of the county court, and spread upon the records.

§ 23. Every administrator, except as is hereinbefore in section eight provided, shall  
 1 before entering on the duties of his office, enter into bond, with good and sufficient  
 3 security, to be approved by the county or probate court, in a sum double the value of

4 the personal property of the estate, and payable to the people of the State of Illinois for  
5 the use of the parties interested substantially in the following form, to-wit:

7 Know all men by these presents, that we A B, C D, and E F, of the county of  
8 , and State of Illinois, are held and firmly bound unto the people of  
9 the State of Illinois in the penal sum of                      dollars, current money of the  
10 United States, which payment well and truly to be made and performed we and each  
11 of us bind ourselves, our heirs, executors and administrators, jointly, severally and  
12 firmly by these presents. Witness our hands and seals, this              day of              , 18 .

13 The condition of the above obligation is such that if the said A B, administrator of  
14 all and singular the goods and chattels, rights and credits of J K, deceased, do make,  
15 or cause to be made, a true and perfect inventory of all and singular the goods and  
16 "chattels, rights and credits of the said deceased, which shall come to the hands, pos-  
17 session or knowledge of him, the said A B, as administrator, or to the hands of any  
18 person or persons for him; and the same so made do exhibit, or cause to be exhibited,  
19 in the county (or probate) court of the said county of              , agreeably to law;  
20 and such goods and chattels, rights and credits, do well and truly administer according  
21 to law, and all the rest of the said goods and chattels, rights and credits, which shall  
22 be found remaining upon the account of the said administrator, the same being at first  
23 examined and allowed by the court, shall deliver and pay unto such person or persons  
24 respectively, as may be legally entitled thereto; and, further, do make a just and true  
25 account of all his actings and doings therein, when thereunto required by the said  
26 court; and if it shall appear that any last will and testament was made by the de-  
27 ceased, and the same be proved in court, and letters testamentary or of administra-  
28 tion be obtained thereon, and the said A. B. do in such case, on being required thereto,  
29 render and deliver up the letters of administration, granted to him as aforesaid, and  
30 shall in general do and perform all other acts which may at any time be required of  
31 him by law, then this obligation to be void, otherwise to remain in full force and  
32 virtue." Which bond shall be signed and sealed by the said administrator and his  
33 securities, attested by the clerk of the court and filed in his office, and in all cases where  
34 bonds shall be taken from any administrator *de bonis non*, or in any other case where a  
35 form shall not be prescribed in this act, the same shall be made, as nearly as may be, in

36 conformity with the form above prescribed, with corresponding variations to suit each  
37 particular case.

§ 98. When the executor or administrator has made a just and true account of the  
2 personal estate and debts to the county (or probate) court, and it is ascertained that  
3 the personal estate of a decedent is insufficient to pay the just claims against his estate,  
4 and there is real estate to which such decedent had claim or title, such real estate, or  
5 such portion as may be necessary to satisfy the indebtedness of such decedent, and the  
6 expenses of administration, may be sold in the manner herein provided: *Provided*, the  
7 said county (or probate) court shall make no order for a sale of any such real estate  
8 until the executor or administrator shall have executed and filed a bond payable to the  
9 people of the State of Illinois, with at least two sufficient sureties, to be approved by  
10 the court, in double the value of the real estate sought to be sold, conditioned for the  
11 due and faithful accounting for and disposition of the proceeds of all real estate that  
12 may be sold by him, under such order, in the manner provided by law; which bond  
13 may be put in suit in the name of the people of the State of Illinois, to the use of any  
14 person entitled to recover on a breach thereof, and damages assessed and proceedings  
15 had thereon as in other cases of penal bonds.

1. Introduced by Mr. Fuller February 4, 1879, and ordered to first reading.
2. First reading February 7, 1879, and referred to Committee on Judiciary.
3. Reported back, passage recommended, and ordered to second reading February 12, 1879.

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## A BILL

For an act in relation to Mortgages and Trust Deeds.

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SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General*  
2 *Assembly, That no real estate within this State, shall be sold by virtue of any power*  
3 *of sale contained in any mortgage, trust deed or other conveyance in the nature of a*  
4 *mortgage executed after the taking effect of this act; but all such mortgages, trust*  
5 *deeds or other conveyances in the nature of a mortgage, shall only be foreclosed in the*  
6 *manner provided for foreclosing mortgages, containing no power of sale, and no real*  
7 *estate shall be sold to satisfy any such mortgage, trust deed, or other conveyance in*  
8 *the nature of a mortgage, except in pursuance of a judgment or decree of a court of*  
9 *competent jurisdiction.*





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(In House.)

1. Reported to House March 18, 1879.
2. First reading March 22, 1879, and referred to Committee on Judiciary.
3. Reported back, passage recommended, and ordered to second reading.

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## A BILL

For an act in relation to Mortgages and Trust Deeds.

---

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General*  
2 *Assembly,* That no real estate within this State, shall be sold by virtue of any power of  
3 sale contained in any mortgage, trust deed or other conveyance in the nature of a  
4 mortgage executed after the taking effect of this act; but all such mortgages, trust  
5 deeds or other conveyances in the nature of a mortgage, shall only be foreclosed in the  
6 manner provided for foreclosing mortgages, containing no power of sale, and no real  
7 estate shall be sold to satisfy any such mortgage, trust deed, or other conveyance in  
8 the nature of a mortgage, except in pursuance of a judgment or decree of a court of  
9 competent jurisdiction.



1. Introduced by Mr. DeLany February 4, 1879, and ordered to first reading.
2. First reading February 7, 1879, and referred to Committee on Municipalities.
3. Reported back, passage recommended, and ordered to second reading February 13, 1879.

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## A BILL

For an act to amend Section three of an act entitled "An act for the relief of disabled members of the Police and Fire Departments in Cities and Villages," approved May 24, 1874.

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SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That Section three (3) of an act entitled "An act for the relief of disabled members of the police and fire departments in cities and villages," approved May 24, 1877, be and the same is hereby amended so as to read as follows:*

§ 3. The said Board shall have the exclusive control and management of the fund mentioned in the first section of this act, and of all money donated, paid or assessed for the relief of disabled policemen or firemen, and shall have the power to assess each and every member of the police and fire departments of such city or village, not to exceed the sum of five dollars per annum, which shall be received and held by the treasurer of said relief fund in like manner as the other monies herein provided to be paid to him, and any member of police and fire departments who shall not, within one month after notice in writing to him from said board of the assessments against him, pay the same, shall not be entitled to or receive any benefit under this act, until such time as such member shall pay such assessments, and any member who shall be in default in the payment of assessments, shall be entitled to receive all the benefits of this act upon his making payment of all delinquent assessments due by him accruing during his membership in such police or fire department. The said board may make all needful rules

14 and regulations for its government in the discharge of its duties, and shall hear and de-  
15 cide all applications for relief under this act, and its decisions on such applications shall  
16 be final and conclusive, and not subject to review or reversal except by the board:  
17 *Provided*, That nothing herein contained shall render the payment of any sum of  
18 money or annuity which may be awarded by the board obligatory on the board, or  
19 chargeable against it as a legal right; but the board may, at any time in its discretion,  
20 order that such sums of money or annuity shall be reduced, or that payment of the  
21 same shall not be made. The board shall cause to be kept a record of all its meetings  
22 and proceedings.

1. Reported from House February 19, 1879.
2. First reading February 19, 1879, and ordered to second reading.

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## A BILL

For an Act to amend an act entitled "An act to establish Appellate Courts," approved  
June 2, 1877.

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SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Section 2 of an act entitled, "An act to establish Appellate Courts," approved June 2, 1877, be amended so as to read as follows: The terms of said Appellate Court shall be begun and held in the several districts as follows: In the first district at the City of Chicago on the first Tuesday in March and October of each year. In the second district at Ottawa, in LaSalle county, on the third Tuesdays in June and December of each year. In the third district at Springfield, on the third Tuesdays of May and November in each year. In the fourth district at Mount Vernon on the first Tuesdays in February and July in each year.

§ 2. WHEREAS, the term of the Judges assigned to duty in the first district expires in June 1879, and,

WHEREAS, it is desirable that the business of the next term of said court shall be transacted before the expiration of said term, therefore an emergency exists and this act shall take effect from and after its passage.



1. Introduced by Mr. Ware February 4, 1879, and ordered to first reading.
2. First reading February 7, 1879, and referred to Committee on Education and Educational Institutions.
3. March 6, 1879, reported back, passage recommended and referred to Committee on Appropriations.
4. March 20, 1879, reported back, passage recommended, and ordered to second reading.

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## A BILL

For an Act making Appropriations for the ordinary expenses of the Southern Illinois Normal University at Carbondale, and repairs on its building, and for additions to its library, museum and apparatus.

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SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly, That there be and hereby is appropriated to the Southern Illinois Normal University at Carbondale, in addition to the one-half of the interest of the College and Seminary fund, which is hereby appropriated, the further sum of fifteen thousand two hundred and sixty-six dollars (\$15,266) per annum, payable quarterly in advance, from the first day of July, 1879, to the first fiscal quarter after the adjournment of the next General Assembly, for the payment of salaries, for the purchase of fuel, for repairs on the building, for additions to the library, museum and apparatus, for the care of the grounds, and for contingent and incidental expenses: Provided, that the expenses of the model and high schools shall be paid out of the receipts of tuition from the pupils in said school.*

§ 2. The Auditor of Public Accounts is hereby authorized and required to draw his warrants upon the Treasurer for said sums, upon the order of the trustees, signed by the president and attested by the secretary, with the corporate seal of the institution at-



4 tached : *Provided*, that satisfactory vouchers in detail, approved by the Governor, shall  
5 be filed quarterly with the Auditor of Public Accounts, for the expenditures, ordinary  
6 and extraordinary, of the preceding quarter, and that no parts of the moneys herein  
7 appropriated shall be due and payable until such vouchers shall have been filed.

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(In House.)

1. Reported to House April 19, 1879.
2. First reading April 19, and referred to Committee on Appropriations.
3. Reported back with amendments, passage recommended, and ordered to second reading May 1.

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Amendments to Senate Bill No. 184, offered by Committee on Appropriations May 1, 1879.

Amend section 1 by adding the following clause: "For the construction of a brick  
2 walk leading to the building upon the grounds of said University, there is hereby ap-  
3 propriated the sum of one thousand two hundred dollars (\$1,200).

W. B. TAYLOR, Clerk.

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## A BILL

For an act making appropriations for the ordinary expenses of the Southern Illinois Nor-  
mal University at Carbondale, and repairs on its building, and for additions to its  
library, museum and apparatus.

---

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General*  
2 *Assembly, That there be and hereby is appropriated to the Southern Illinois Normal*  
3 *University at Carbondale, in addition to the one-half of the interest of the College and*  
4 *Seminary fund, which is hereby appropriated, the further sum of fifteen thousand two*  
5 *hundred and sixty-six dollars and forty-four cents (\$15,266 44) per annum, payable*  
6 *quarterly in advance, from the first day of July, 1879, to be the first fiscal quarter after*  
7 *the adjournment of the next General Assembly, for the payment of salaries, for the*

8 purchase of fuel, for repairs on the building, for additions to the library, museum and  
9 apparatus, for the care of the grounds, and for contingent and incidental expenses:  
10 *Provided*, that the expenses of the model and high schools shall be paid out of the re-  
11 ceipts of tuition from the pupils in said school.

§ 2. The Auditor of Public Accounts is hereby authorized and required to draw his  
2 warrants upon the Treasurer for said sums, upon the order of the trustees, signed by  
3 the president and attested by the secretary, with the corporate seal of the institution  
4 attached: *Provided*, that satisfactory vouchers in detail, approved by the Governor,  
5 shall be filed quarterly with the Auditor of Public Accounts, for the expenditures, or-  
6 dinary and extraordinary of the preceding quarter, and that no part of the moneys  
7 herein appropriated shall be due and payable until such vouchers shall have been filed.

(In House.)

1. Reported to House April 19, 1879.
2. First reading May 11, and referred to Committee on Appropriations.
3. Reported back with amendments, passage recommended, and ordered to second reading May 14.
4. Second reading, amended and ordered to third reading.
5. Printed as amended.

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## A BILL

For an act making appropriations for the ordinary expenses of the Southern Illinois Normal University at Carbondale, and repairs on its building, and for additions to its library, museum and apparatus.

---

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly, That there be and hereby is appropriated to the Southern Illinois Normal University at Carbondale, in addition to the one-half of the interest of the College and Seminary fund, which is hereby appropriated, the further sum of thirteen thousand five hundred and ninety-one dollars and forty-four cents (\$13,591 44) per annum, payable quarterly in advance, from the first day of July, 1879, to be the first fiscal quarter after the adjournment of the next General Assembly, for the payment of salaries, for the purchase of fuel, for repairs on the building, for additions to the library, museum and apparatus, for the care of the grounds, and for contingent and incidental expenses: Provided, that the expenses of the model and high schools shall be paid out of the receipts of tuition from the pupils in said school.*

§ 2. The Auditor of Public Accounts is hereby authorized and required to draw his warrants upon the Treasurer for said sums, upon the order of the trustees, signed by the president and attested by the secretary, with the corporate seal of the institution

4 attached: *Provided*, that satisfactory vouchers in detail, approved by the Governor,  
5 shall be filed quarterly with the Auditor of Public Accounts, for the expenditures, or-  
6 dinary and extraordinary, of the preceding quarter, and that no part of the moneys  
7 herein appropriated shall be due and payable until such vouchers shall have been filed.

1. Introduced by Mr. Bent February 4, 1879, and ordered to first reading.
2. First reading February 7, and referred to Committee on Miscellany.
3. April 9, reported back with recommendation it be ordered to second reading.

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## A BILL

For an act to punish tramps.

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SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly, That any person going about from place to place begging and asking or subsisting upon charity, shall be taken and deemed to be a tramp, and shall be punished by imprisonment at hard labor in the State prison not more than fifteen months.*

§ 2. *That any tramp who shall enter any dwelling house, or kindle any fire in the highway, or on the land of another, without the consent of the owner or occupant thereof, or shall be found carrying any fire arm or other dangerous weapon, or shall threaten to do any injury to any person, or to the real or personal estate of another, shall be punished by imprisonment at hard labor in the State prison not more than two years.*

§ 3. *That any tramp who shall willfully and maliciously do any injury to any person, or to the real or personal estate of another, shall be punished by imprisonment at hard labor in the State prison not more than five years.*

§ 4. *That any act of beggary or vagrancy by any person not a resident of this State, shall be evidence that the person committing the same is a tramp within the meaning of this act.*

§ 5. *That any person, upon view of any offense described in this act, may apprehend the offender and take him before a justice of the peace for examination, and on*

3 his conviction, shall be entitled to a reward of ten dollars therefor, to be paid by the  
4 county.

§ 6. That this act shall not apply to any female or minor under the age of seventeen,  
2 nor to any blind person.

## Substitute for No. 55.

1. Introduced from Committee on Agriculture and Drainage Feb. 5, 1879, and ordered to first reading.
2. First reading Feb. 7, 1879, and ordered to second reading.

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A BILL

For an act to amend sections four (4) and seven (7) of an act entitled "An act to revise the law in relation to permitting animals to run at large," approved March 30, 1874; in force July 1, 1874.

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SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That sections four (4) and seven (7) of an act entitled, "An act to revise the law in relation to permitting animals to run at large," approved March 30, 1874; in force July 1, 1874, be amended so as to read as follows :*

SECTION 4. *If a majority of all the votes cast within the county at such election shall be for domestic animals, or any species thereof, running at large, it shall be lawful in such county, for domestic animals or such species thereof to run at large : Provided, that if at any such election the vote in any town, in counties under township organization, or any incorporated city, village, or town, in any county shall be against animals or any species thereof running at large, it shall not be lawful for such animals to run at large in such town, or incorporated city, village, or town.*

§ 7. *Where in any county, town, precinct, village or city, domestic animals shall have been restrained from running at large, and such county, town, precinct, village, or city shall vote to permit such animals to again run at large therein, such vote shall not take effect so as to permit such animals to run at large, within one year after the election : Provided, that no vote to permit such animals to again run at large in any county, town, or precinct, where the same have been restrained by any election after the adoption of this act shall be taken within five years after such restraining : Pro-*



8 nided, further, where in any precinct, in counties not under township organization do-  
9 mestic animals shall have been restrained from running at large, pursuant to an elec-  
10 tion, held for the county at large, when the petition on which such election had been  
11 ordered, applied to the county at large ; on a petition of twenty legal voters of such  
12 precinct, filed with the county clerk of such county, a vote may be taken in such pre-  
13 cinct at the general election in any year hereafter, and if a majority of all the legal  
14 voters of such precinct shall vote to permit such animals to again run at large, it shall  
15 be lawful for such animals to run at large in such precinct immediately after such  
16 election.

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(In House.)

1. Reported from Senate February 26, 1879.
2. First reading March 3, 1879, and referred to Committee on Agriculture.
4. Reported back, passage recommended, and ordered to second reading March 14, 1879.

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## A BILL

For an act to amend sections four (4) and seven (7) of an act entitled "An Act to revise the law in relation to permitting Animals to run at large," approved March 30, 1874; in force July 1, 1874.

---

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly, That sections four (4) and seven (7) of an act entitled "An Act to revise the law in relation to permitting Animals to run at large," approved March 30, 1874; in force July 1, 1874, be amended so as to read as follows:*

SECTION 4. *If a majority of all the votes cast within the county at such election shall be for domestic animals, or any species thereof, running at large, it shall be lawful in such county for domestic animals, or such species thereof, to run at large: Provided, that if at any such election the vote in any town, in counties under township organization, or any incorporated city, village or town, in any county, shall be against animals or any species thereof running at large, it shall not be lawful for such animals to run at large in such town, incorporated city, village or town.*

§ 7. *Where, in any county, town, precinct, village or city, domestic animals shall have been restrained from running at large, and such county, town, precinct, village or city shall vote to permit such animals to again run at large therein, such vote shall not take effect so as to permit such animals to run at large, within one year after the election: Provided, that no vote to permit such animals to again run at large in any county,*

6 town or precinct, where the same have been restrained by any election after the adop-  
7 tion of this act, shall be taken within five years after such restraining: *Provided, further,*  
8 where, in any precinct, in counties not under township organization, domestic animals  
9 shall have been restrained from running at large, pursuant to an election held for  
10 the county at large, when the petition on which such election had been ordered, ap-  
11 plied to the county at large, on a petition of twenty legal voters of said precinct, filed  
12 with the county clerk of such county, a vote may be taken in such precinct at the  
13 general election in any year hereafter, and if a majority of all the legal voters of such  
14 precinct shall vote to permit such animals to again run at large, it shall be lawful for  
15 such animals to run at large in such precinct immediately after such election.

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(In House.)

1. Reported to House February 26, 1879.
2. First reading March 3, and referred to Committee on Agriculture.
3. Reported back, passage recommended, and ordered to second reading March 14.
4. Second reading, amended and ordered to third reading April 29.

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Amendment to Senate Bill No. 189, adopted April 29, 1879.

Amend by striking out in line 15, after the word "precinct" the word "immediately"

2 and insert in lieu thereof, the words "six months after such election."

W. B. TAYLOR, Clerk.



- 
1. Introduced by Mr. Riddle February 5, 1879, and ordered to first reading.
  2. First reading February 7, 1879, and referred to Committee on Judiciary.
  4. Reported back with amendments, passage recommended, and ordered to second reading February 20, 1879.

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Amend by inserting in line thirty-two of the written bill, after the word "dollars,"  
2 the words "or as much thereof as may be necessary."

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### A BILL

For an Act to provide a Library for the use of the Appellate Court in and for the First  
District.

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WHEREAS, each of the several Appellate Courts of this State, with the exception of  
2 the Appellate Court in and for the First District is supplied with and has access to and  
3 the use of a suitable law library heretofore procured and furnished by the State for the  
4 use of the Supreme Court, and no library has as yet been procured or furnished by the  
5 State for the use of the Appellate Court of said First District, and said court is desti-  
6 tute of any library of which it can sufficiently and properly avail itself in the discharge  
7 of its duties; and,  
8 WHEREAS, such library is indispensable to a proper performance by said court of the  
9 large amount of business which it will be necessarily called upon to transact; therefore,

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SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General*

2 *Assembly*, That for the purpose of procuring and purchasing of a suitable law library  
3 for the use of the Appellate Court of said First District, the sum of twenty thousand  
4 dollars be and the same is hereby appropriated out of the State Treasury to be paid  
5 upon the certificate of the Judges of the said court in the manner hereinafter provided.

§ 2. The Judges of said court are hereby authorized and directed to select and pro-  
2 cure for the use of said court, a law library, the same to cost in all, not exceeding the  
3 amount herein appropriated, and upon presentation to the Auditor of Public Accounts  
4 of a certificate of said Judges of the cost of any bill of books so purchased by them,  
5 accompanied by a detailed statement of the books purchased, and the cost thereof, said  
6 Auditor shall draw his warrant on the State Treasury in favor of the holder of such  
7 certificate, to be paid out of the appropriation hereby made.

§ 3. Said library shall be under the exclusive control of said court in term time,  
2 and of the Judges thereof in vacation, and said Judges are hereby authorized and em-  
3 powered to rent and procure in connection with the rooms now occupied or which may  
4 hereafter be occupied for the holding of said court, suitable rooms or apartments for  
5 keeping said library, so that the same may be used by said court, and no books shall  
6 be taken from the apartments so provided therefor, except to be used in said court or  
7 by the Judges thereof.

§ 4. WHEREAS, said library is greatly needed for the use of said court at once,  
2 therefore an emergency exists, and this act shall take effect and be in force from and  
3 after its passage.

1. Introduced by Mr. Riddle, February 5, and ordered to first reading.
2. First reading February 7, 1879, and referred to Committee on Judiciary.
3. Reported back with amendments, passage recommended, and ordered to second reading February 20, 1874.
4. March 4, second reading, amended and ordered to third reading.

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## A BILL

For an act to provide a library for the use of the Appellate Court in and for the First District.

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WHEREAS, Each of the several Appellate Courts of this State, with the exception of  
2 the Appellate Court in and for the First District, is supplied with and has access to and  
3 the use of a suitable law library heretofore procured and furnished by the State for the  
4 use of the Supreme Court, and no library has as yet been procured or furnished by the  
5 State for the use of the Appellate Court of said First District, and said court is desti-  
6 tute of any library of which it can sufficiently and properly avail itself in the discharge  
7 of its duties; and

8 WHEREAS, Such library is indispensable to a proper performance by said court of the  
9 large amount of business which it will be necessarily called upon to transact; there-  
10 fore,

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General*  
2 *Assembly, That for the purpose of procuring and purchasing of a suitable law library*  
3 *for the use of the Appellate Court of said First District, the sum of ten thousand dol-*  
4 *lars, or as much thereof as may be necessary, be and the same is hereby appropriated*  
5 *out of the State Treasury, to be paid upon the certificate of the Judges of the said*  
6 *court in the manner hereinafter provided.*



§ 2. The Judges of said court are hereby authorized and directed to select and procure for the use of said court a law library, the same to cost, in all, not exceeding the amount herein appropriated; and upon presentation to the Auditor of Public Accounts of a certificate of said Judges of the cost of any bill of books so purchased by them, accompanied by a detailed statement of the books purchased, and the cost thereof, said Auditor shall draw his warrant on the State Treasury in favor of the holder of such certificate, to be paid out of the appropriation hereby made.

§ 3. Said library shall be under the exclusive control of said court in term time, and of the Judges thereof in vacation, and said Judges are hereby authorized and empowered to rent and procure, in connection with the rooms now occupied or which may hereafter be occupied for the holding of said court, suitable rooms or apartments for keeping said library, so that the same may be used by said court, and no books shall be taken from the apartments so provided therefor, except to be used in said court or by the Judges thereof.

§ 4. WHEREAS, Said library is greatly needed for the use of said court at once, therefore an emergency exists, and this act shall take effect and be in force from and after its passage.

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[In House.]

1. Reported to House March 18.
2. First reading March 22, and referred to Committee on Appropriations.
3. Reported back, passage recommended and ordered to second reading March 28.

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### A BILL

For an act to provide a library for the use of the Appellate Court in and for the  
First District.

---

WHEREAS, Each of the several Appellate Courts of this State, with the exception of  
the Appellate Court in and for the First District, is supplied with, and has access to and  
the use of, a suitable law library, heretofore procured and furnished by the State for the  
use of the Supreme Court, and no library has as yet been procured or furnished by the  
State for the use of the Appellate Court of said First District, and said court is desti-  
tute of any library of which it can sufficiently and properly avail itself in the discharge  
of its duties; and,

WHEREAS, Such library is indispensable to a proper performance by said court of the  
large amount of business which it will be necessarily called upon to transact; there-  
fore,

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General*  
*Assembly,* That, for the purpose of procuring and purchasing a suitable law library for  
the use of the Appellate Court of said First District, the sum of ten thousand dollars,  
or so much thereof as may be necessary, be and the same is hereby appropriated out of  
the State treasury, to be paid upon the certificate of the Judges of the said court in the  
manner hereinafter provided.

§ 2. The Judges of said court are hereby authorized and directed to select and procure for the use of said court a law library—the same to cost, in all, not exceeding the amount herein appropriated; and upon presentation to the Auditor of Public Accounts of a certificate of said Judges of the cost of any bill of books so purchased by them, accompanied by a detailed statement of the books purchased, and the cost thereof, said Auditor shall draw his warrant on the State treasury in favor of the holder of such certificate, to be paid out of the appropriation hereby made.

§ 3. Said library shall be under the exclusive control of said court in term time, and of the Judges thereof in vacation; and said Judges are hereby authorized and empowered to rent and procure, in connection with the rooms now occupied or which may hereafter be occupied for the holding of said court, suitable rooms or apartments for keeping said library, so that the same may be used by said court, and no books shall be taken from the apartments so provided therefor, except to be used in said court or by the Judges thereof.

§ 4. WHEREAS, Said library is greatly-needed for the use of said court at once; therefore, an emergency exists, and this act shall take effect and be in force from and after its passage.

1. Introduced by Mr. Ford February 5, 1879, and ordered to first reading.
2. First reading February 7, 1879, and referred to Committee on Revenue.
3. Reported back, passage recommended and ordered to second reading, March 27, 1879.

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## A BILL

For an act to amend sections three (3) and thirty-two (32) of the General Revenue Law of the State.

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SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly, That section three (3) of "An Act for the assessment of property, and the levy and collection of taxes," approved March 30, 1872; in force July 1, 1872, be and the same is hereby so amended as to read as follows:*

SECTION 3. *Personal property shall be valued as follows:*

2 First—All personal property, except as herein otherwise directed, shall be valued at  
3 its fair cash value.

4 Second—Every credit for a sum certain, payable either in money or labor, shall be  
5 valued at a fair cash value, for the sum so payable; if for any article of property, or  
6 for labor and services of any kind, it shall be valued at the current price for such  
7 property, labor or service.

8 Third—Annuities and royalties shall be valued at their then present total value.

9 Fourth—The capital stock of all companies and associations now or hereafter created  
10 under the laws of this State (except those required to be assessed by the local assessors,  
11 as hereinafter provided) shall be so valued by the State Board of Equalization as to  
12 ascertain and determine, respectively, the fair cash value of such capital stock, includ-  
13 ing the franchise, over and above the assessed value of the tangible property of such

14 company or association. Said board shall adopt such rules and principles for ascertain-  
 15 ing the fair cash value of such capital stock, as to it may seem equitable and just; and  
 16 such rules and principles, when adopted, if not inconsistent with this act, shall be as  
 17 binding and of the same effect as if contained in this act, subject, however, to such  
 18 change, alteration or amendment as may be found, from time to time, to be necessary  
 19 by said board: *Provided*, that in all cases where the tangible property or capital stock  
 20 of any company or association is assessed under this act, the shares of capital stock of  
 21 such company or association shall not be assessed or taxed in this State. This clause  
 22 shall not apply to the capital stock, or shares of capital stock, of banks organized under  
 23 the general banking laws of this State: *Provided, further*, that companies and associations  
 24 organized for purely manufacturing purposes, or for printing, or for publishing of news-  
 25 papers, or for the improving and breeding of stock, shall be assessed by the local asses-  
 26 sors in like manner as the property of individuals is required to be assessed.

§ 2. That the thirty-second (32) section of said act is hereby so amended as to read  
 2 as follows:

SECTION 32.—Banking, bridge, express, ferry, gravel road, gas, insurance, mining,  
 2 plank road, savings bank, stage, steamboat, street railroad, transportation, turnpike, and  
 3 all other companies and associations incorporated under the laws of this State (other  
 4 than banks organized under the general banking laws of this State and the corpora-  
 5 tions required to be assessed by the local assessors, as hereinbefore provided), shall, in  
 6 addition to the other property required by this act to be listed, make out and deliver to  
 7 the assessor a sworn statement of the amount of its capital stock, setting forth particu-  
 8 larly—

9 First—The name and location of the company or association.

10 Second—The amount of capital stock authorized, and the number of shares into  
 11 which such capital stock is divided.

12 Third—The amount of capital stock paid up.

13 Fourth—The market value, or if no market value, then the actual value of the shares  
 14 of stock.

15 Fifth—The total amount of all indebtedness, except the indebtedness for current ex-  
 16 penses, excluding from such expenses the amount paid for the purchase or improve-  
 17 ment of property.

18 Sixth.—The assessed valuation of all its tangible property. Such schedule shall be  
19 made in conformity to such instruction and forms as may be prescribed by the Auditor  
20 of Public Accounts. In all cases of failure or refusal of any person, officer, company  
21 or association to make such return or statement, it shall be the duty of the assessor to  
22 make such return or statement from the best information which he can obtain.



1. Introduced by Mr. Ford February 5, 1879, and ordered to first reading.
2. First reading February 7, and referred to Committee on Revenue.
3. Reported back, passage recommended and ordered to second reading, March 27.
4. April 15, second reading, amended and ordered to third reading

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## A BILL

For an Act to amend sections three (3) and thirty-two (32) of an act entitled "An Act for the assessment of property, and for the levy and collection of taxes," approved March 30, 1872.

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SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That section three (3) of an act entitled "An Act for the assessment of property, and the levy and collection of taxes," approved March 30, 1872; in force July 1, 1872, be and the same is hereby so amended as to read as follows:

SECTION 2. Personal property shall be valued as follows:

First—All personal property, except as herein otherwise directed, shall be valued at its fair cash value.

Second—Every credit for a sum certain, payable either in money or labor, shall be valued at a fair cash value, for the sum so payable; if for any article of property, or for labor and services of any kind, it shall be valued at the current price for such property, labor or service.

Third—Annuities and royalties shall be valued at their then present total value.

Fourth—The capital stock of all companies and associations now or hereafter created under the laws of this State (except those required to be assessed by the local assessors, as hereinafter provided) shall be so valued by the State Board of Equalization as to ascertain and determine, respectively, the fair cash value of such capital stock, including the franchise, over and above the assessed value of the tangible property of such company or association. Said board shall adopt such rules and principles for ascer-



15 taining the fair cash value of such capital stock, as to it may seem equitable and just ;  
 16 and such rules and principles, when adopted, if not inconsistent with this act, shall be  
 17 as binding and of the same effect as if contained in this act ; subject, however, to such  
 18 change, alteration or amendment as may be found, from time to time, to be necessary  
 19 by said board : *Provided*, that in all cases where the tangible property or capital stock  
 20 of any company or association is assessed under this act, the shares of capital stock of  
 21 such company or association shall not be assessed or taxed in this State. This clause  
 22 shall not apply to the capital stock or shares of capital stock, of banks organized under  
 23 the general banking laws of this State : *Provided, further*, that companies and associa-  
 24 tions organized for purely manufacturing purposes, or for printing, or for publishing  
 25 of a newspaper, or for the improvement and breeding of stock, shall be assessed  
 26 by the local authorities in like manner as the property of individuals is required to  
 27 be assessed.

§ 2. That the thirty second (32) section of said act is hereby amended so as to read  
 2 as follows :

SECTION 32. Banking, bridge, express, ferry, gravel road, gas, insurance, mining,  
 2 plank road, savings' bank, stage, steamboat, street railroad, transportation, turnpike and  
 3 all other companies and associations incorporated under the laws of this State (other  
 4 than banks organized under the general banking laws of this State, and the corpora-  
 5 tions required to be assessed by the local assessors, as hereinbefore provided), shall, in  
 6 addition to the other property required by this act to be listed, make out and deliver to  
 7 the assessor a sworn statement of the amount of its capital stock, setting forth particu-  
 8 larly--

9 First--The name and location of the company or association.

10 Second--The amount of capital stock authorized, and the number of shares into  
 11 which such capital stock is divided.

12 Third--The amount of capital stock paid up.

13 Fourth--The market value, or if no market value, then the actual value of the shares  
 14 of stock.

15 Fifth--The total amount of all indebtedness, except the indebtedness for current ex-  
 16 penses, excluding from such expenses the amount paid for the purchase or improve-  
 17 ment of property.

18 Sixth The assessed valuation of all its tangible property. Such schedule shall be  
19 made in conformity to such instruction and forms as may be prescribed by the Auditor  
20 of Public Accounts. In all cases of failure or refusal of any person, officer, company  
21 or association to make such return or statement, it shall be the duty of the assessor to  
22 make such return or statement from the best information which he can obtain.



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(In House.)

1. Reported to House April 25, 1879.
2. First reading April 25, and ordered to second reading.

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## A BILL

For an act to amend sections three (3) and thirty-two (32) of an act entitled "An Act for the assessment of property and for the levy and collection of Taxes." Approved March 30, 1873.

---

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That section three (3) of an act entitled "An Act for the assessment of property, and the levy and collection of taxes," approved March 30, 1872; in force July 1, 1872, be and the same is hereby so amended as to read as follows:

SECTION 2. Personal property shall be valued as follows:

2 First—All personal property, except as herein otherwise directed, shall be valued at  
3 its fair cash value.

4 Second—Every credit for a sum certain, payable either in money or labor, shall be  
5 valued at a fair cash value, for the sum so payable; if for any article of property, or for  
6 labor and services of any kind, it shall be valued at the current price for such property.  
7 labor or service.

8 Third—Annuities and royalties shall be valued at their then present total value.

9 Fourth—The capital stock of all companies and associations now or hereafter created  
10 under the laws of this State (except those required to be assessed by the local assessors  
11 as hereinafter provided) shall be so valued by the State Board of Equalization as to  
12 ascertain and determine, respectively, the fair cash value of such capital stock, including  
13 the franchise, over and above the assessed value of the tangible property of such

14 company or association. Said board shall adopt such rules and principles for ascertain-  
 15 ing the fair cash value of such capital stock, as to it may seem equitable and just; and  
 16 such rules and principles, when so adopted, if not inconsistent with this act, shall be as  
 17 binding and of the same effect as it contained in this act, subject, however, to such  
 18 change, alteration or amendment as may be found, from time, to time to be necessary  
 19 by said board: *Provided*, that in all cases where the tangible property or capital stock  
 20 of any company or association is assessed under this act, the shares of capital stock of any  
 21 such company or association shall not be assessed or taxed in this State. This clause  
 22 shall not apply to the capital stock, or shares of capital stock, of banks organized under  
 23 the general banking laws of this State: *Provided further*, that companies and associations  
 24 organized for purely manufacturing purposes, or for printing, or for publishing of news-  
 25 papers, or for the improving and breeding of stock, shall be assessed by the local assess-  
 26 ors in like manner as the property of individuals is required to be assessed.

§ 2. That the thirty-second (32) section of said act is hereby so amended as to read  
 2 as follows:

SECTION 32—Banking, bridge, express, ferry, gravel road, gas, insurance, mining,  
 2 plank road, savings bank, stage, steamboat, street railroad, transportation, turnpike,  
 3 and all other companies and associations incorporated under the laws of this State (other  
 4 than banks organized under the general banking laws of this State and the corpora-  
 5 tions required to be assessed by the local assessors as hereinbefore provided) shall, in  
 6 addition to the other property required by this act to be listed, make out and deliver to  
 7 the assessor a sworn statement of the amount of its capital stock, setting forth particu-  
 8 larly—

9 First—The name and location of the company or association.

10 Second—The amount of capital stock authorized, and the number of shares into  
 11 which such capital stock is divided.

12 Third—The amount of capital stock paid up.

13 Fourth—The market value, or if no market value, then the actual value of the shares  
 14 of stock.

15 Fifth—The total amount of all indebtedness, except the indebtedness for current  
 16 expenses, excluding from such expenses the amount paid for the purchase or improve-  
 17 ment of property.

18 Sixth—The assessed valuation of all its tangible property. Such schedule shall be  
19 made in conformity to such instructions and forms as may be prescribed by the Auditor  
20 of Public Accounts. In all cases of failure or refusal of any person, officer, company  
21 or association to make such return or statement, it shall be the duty of the assessor to  
22 make such return or statement from the best information which he can obtain.



1. Introduced by Mr. HAMILTON, February 5, 1879, and ordered to First Reading.
2. First Reading Feb. 9, 1879, and referred to Committee on Insurance.
3. Reported back without recommendation, and ordered to lie on the table.
4. Feb. 28. Taken from table and ordered to Second Reading.

## A BILL

For an Act to regulate and govern Township and County Insurance Companies.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly.* That it shall be the duty of the president and secretary of each and every township and county insurance company organized under any existing law of the state of Illinois for the purpose of insuring farm property, to make a report annually under oath to the auditor of public accounts, during the month of January each year, upon blanks furnished by him, giving an accurate account of premiums received and amount of cash on hand, the amount paid for losses and expenses during the preceding year; also the amount of risks written and terminated, and showing the amount at risk on the thirty-first day of December next proceeding, with an accurate account of the kind of property insured, giving the number of policies issued on dwellings, barns and their contents, and any other kind of property on which a policy has been issued by said company.

§ 2. If upon receipt of report from any company, as required by section one of this act, it shall appear that such company is insuring property not authorized by the act under which such company was created, or if any company shall fail or refuse to make report as required by section one of this act, it shall be the duty of the auditor to cancel and revoke the certificate of organization, or charter under which said company was organized: *Provided*, that any such company having any unsettled claims at date of revocation of certificate or charter shall have ninety days in which to collect assessment and pay any debt due from said company, and any president and secretary of any company as herein specified, who shall fail or refuse to



10 comply with any of the duties or provisions required of them by this act shall be sub-  
11 ject to a penalty of three hundred dollars to be sued for and recovered in the name of  
12 the People by the state's attorney of the county in which said company is located, or  
13 in which the officers reside, said penalty when recovered to be paid into the county  
14 treasury, and in case of the non-payment of such penalty the party so offending  
15 shall be liable to imprisonment for a period not exceeding three months in the dis-  
16 cretion of any court having cognizance thereof. And any person who shall attempt  
17 to procure applications for insurance for any such company not having complied  
18 with all the requirements of this act, shall be subject to the same fines and penalties,  
19 and it shall not be lawful for any company herein specified to advertise the amount  
20 of property at risk as capital for the payment of losses.

§ 3. It shall be lawful for the officers of any company doing business as speci-  
2 fied under section one of this act, to reinsure any risk assumed by said company, in  
3 any solvent fire insurance company legally authorized to transact business in the  
4 state of Illinois. The levying and collection of assessments for reinsurance premiums  
5 shall be done in the same manner as authorized for payment of losses and expenses  
6 in the act under which said company was organized, and it shall be the duty of the  
7 officers of any such company after effecting the reinsurance of the risks of the com-  
8 pany to give notice to the auditor of the fact. And it is hereby provided that any  
9 member of any such company as specified in this act may withdraw at any time, by  
10 surrendering his policy for cancellation, by giving notice to the secretary in writing,  
11 and paying all assessments of which he has had notice at the time of withdrawal,  
12 and it shall be the duty of the secretary of any such company under the penalties  
13 herein provided, to acknowledge in writing the receipt of said notice of withdrawal.  
14 which receipt shall be a bar to the collection of any assessment for losses accruing  
15 after the date of such notice of any member, to the secretary of any such company,  
16 and all laws or parts of laws inconsistent with the provisions of this act are hereby  
17 repealed.

1. Introduced by Mr. Herdman, February 5, 1879, and ordered to first reading.
2. First reading February 7, 1879, and referred to Committee on Finance.
3. Reported back, passage recommended, and ordered to second reading February 21, 1879.

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### **A BILL**

For an Act repealing the acts of 1857 and 1869, establishing and maintaining Normal Universities in this State, together with all supplemental acts relating thereto, and for abolishing said institutions in the State.

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**SECTION 1.** *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the act entitled "An Act for the establishment and maintenance of a Normal University," approved February 18, 1857, in force February 1<sup>st</sup>, 1857, and also an act entitled "An Act to establish and maintain the Southern Illinois Normal University," approved March 9, 1869, in force March 9, 1869, together with all supplemental acts relating thereto, be and the same are hereby repealed, and that as State institutions the Universities created under and by authority of said acts are declared to be abolished.

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100-100000

1. Introduced by Mr. Herdman, February 5, 1879, and ordered to first reading.
2. First reading February 7, 1879, and referred to Committee on Judiciary.
3. February 22, reported back with recommendation that it do not pass. Laid on the table.
4. March 5, taken from the table and ordered to second reading.
5. March 21, second reading, amended and ordered to third reading.

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## A BILL

For an act to amend an act entitled "An Act to revise the law in relation to marriage," approved February 27, 1874.

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SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That section one (1) of an act entitled "An Act to revise the law in relation to marriage," approved February 27, 1874, be and the same is hereby so amended as to read as follows:

SECTION 1. That marriages between parents and children, including grand-parents and grand-children of every degree; between brothers and sisters, of the half as well as of the whole blood; between uncles and nieces, aunts and nephews, and between first cousins, are declared to be incestuous and void. This section shall extend to illegitimate as well as legitimate children and relations: *Provided*, that nothing in this section contained shall apply to marriages which have been contracted before this act takes effect.



1. Introduced by Mr. Herdman Feb. 5, 1879, and ordered to first reading.
2. First reading Feb. 7, 1879, and referred to Committee on Judiciary.
3. Feb. 22, reported back, with recommendation that it do not pass. Laid on the table.
4. March 5, taken from the table and ordered to second reading.

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### A BILL

For an act to amend an act entitled "An Act to revise the law in relation to marriage," approved February 27th, 1874.

---

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That section one (1) of an act entitled "An Act to revise the law in relation to marriage," approved February 27th, 1874, be and the same is hereby amended so as to read as follows:

SECTION 1. That marriages between parents and children, including grand parents and grand children of every degree; between brothers and sisters, of the half as well as of the whole blood; between uncles and nieces, aunts and nephews; and between first, second and third cousins, are declared to be incestuous and void. This section shall extend to illegitimate as well as legitimate children and relations: *Provided, that* nothing in this section contained shall apply to marriages which have been contracted before this act takes effect.



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(In House.)

1. Reported from House April 25, 1879.
2. First reading April 28, and referred to Committee on Judiciary.
3. Reported back, passage recommended and ordered to second reading May 1.

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**A BILL**

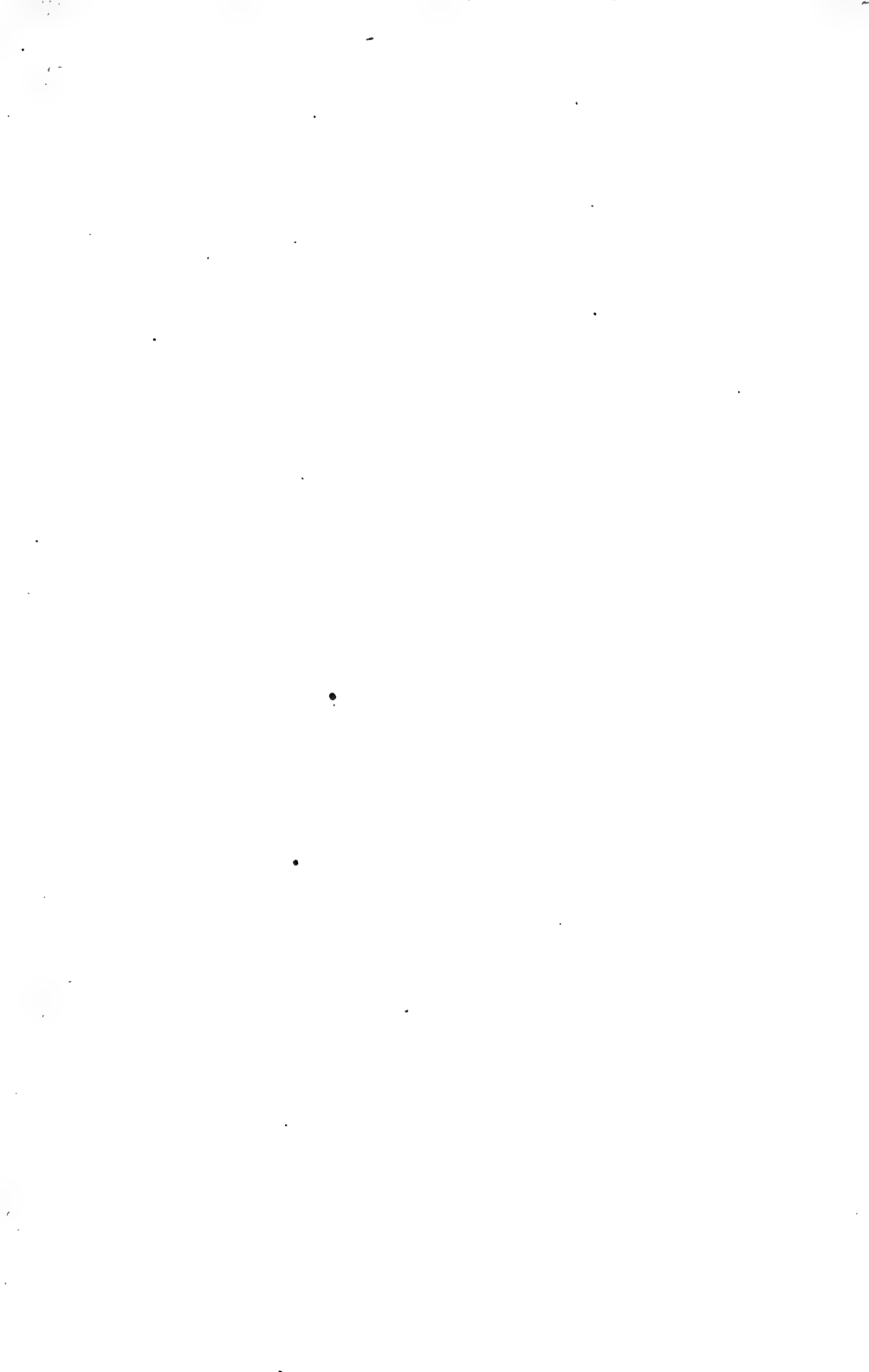
For an Act to amend an act entitled "An Act to revise the law in relation to Marriage,"  
approved February 27, 1874.

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SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That section one (1) of an act entitled "An Act to revise the law in relation to Marriage," approved February 27, 1874, be and the same is hereby so amended as to read as follows:*

SECTION 1. That marriages between parents and children, including grand-parents, and grand-children of every degree; between brothers and sisters, of the half as well as of the whole blood; between uncles and nieces, aunts and nephews, and between first cousins, are declared to be incestuous and void. This section shall extend to illegitimate as well as legitimate children and relations: *Provided*, that nothing in this section contained shall apply to marriages which have been contracted before this act takes effect.





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1. Introduced by Mr. DeLany, February 6, 1879, and ordered to first reading.
  2. First reading February 7, 1879, and referred to Committee on Judiciary.
  3. Reported back, passage recommended, and ordered to second reading February 12, 1879.

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### A BILL

For an act to repeal an act entitled "An act to provide for the re-organization of cities," approved April 8, 1875.

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- SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General*
- 2 *Assembly, That an act entitled "An act to provide for the re-organization of cities," ap-*
  - 3 *proved April 8, 1875, be and the same is hereby repealed.*



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(In House.)

1. Reported to House March 8, 1879.
2. First reading March 22, and referred to Committee on Municipal Affairs.
3. Reported back, passage recommended and ordered to second reading, April 24.

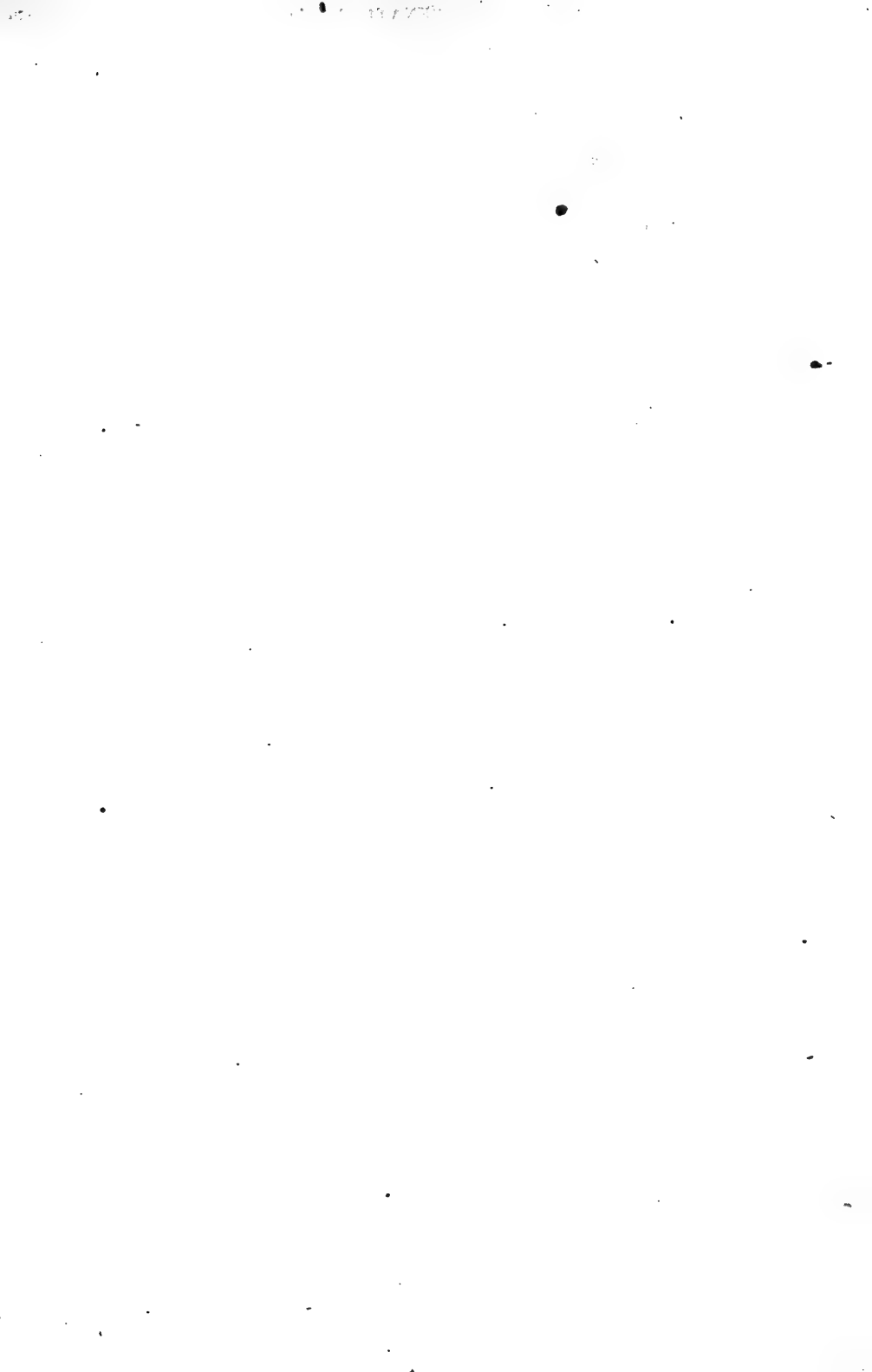
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**A BILL**

For an Act to repeal an act entitled "An Act to provide for the re-organization of Cities,"  
approved April 8, 1875.

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- SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General*
- 2 *Assembly, That an act entitled "An Act to provide for the re-organization of Cities,"*
- 3 *approved April 8, 1875, be and the same is hereby repealed.*



1. Introduced by Mr. Taliaferro, February 6, 1879, and ordered to first reading.
2. First reading February 7, 1879, and referred to Committee on Judiciary.
3. Reported back, passage recommended, and ordered to second reading February 26, 1879.

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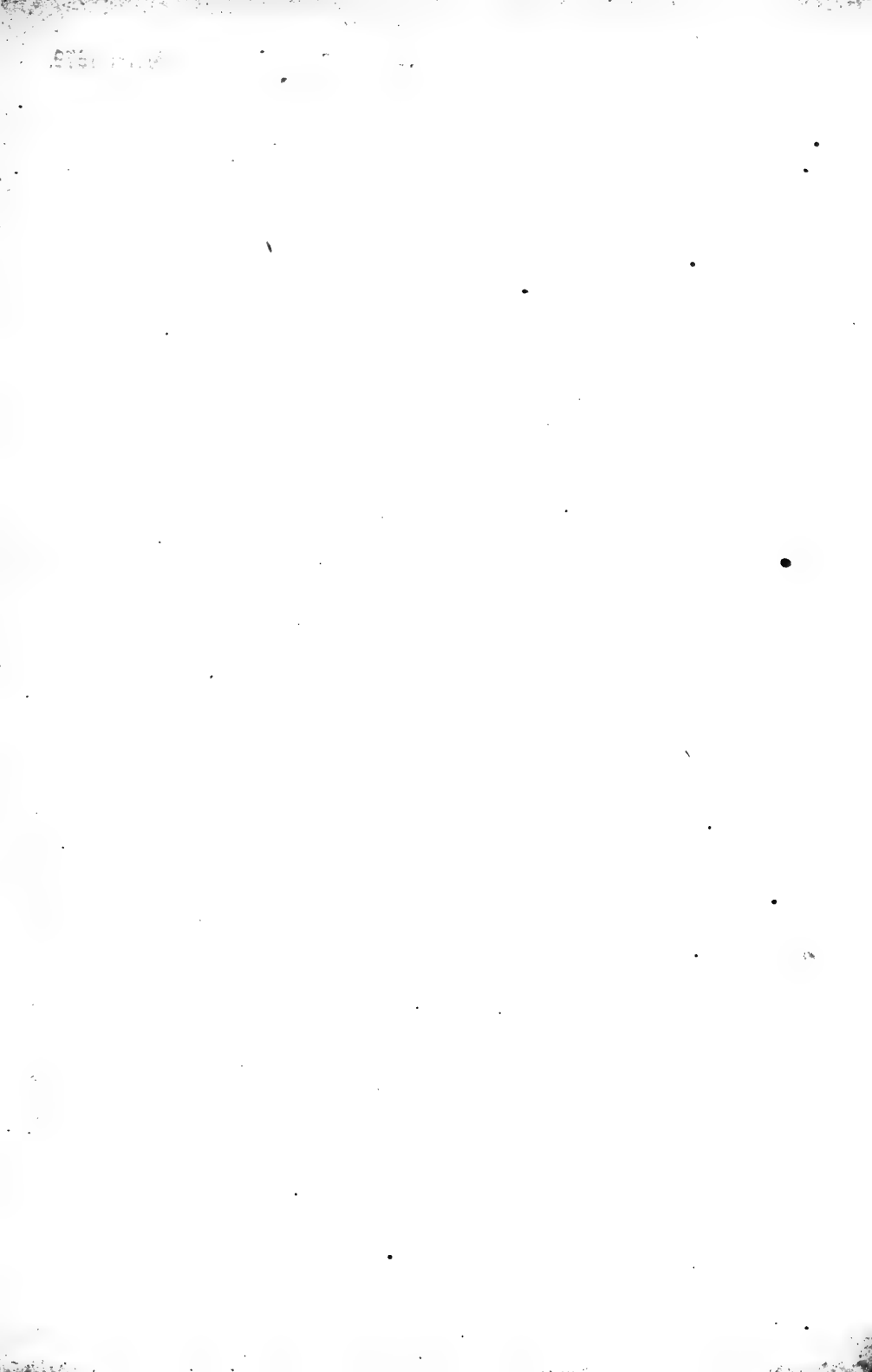
## A BILL

For an Act to amend section 72 of an act entitled "An Act in regard to practice in courts of record," approved June 2, 1877; in force July 1, 1877.

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SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That section 72 of an act to amend an act entitled "An Act in regard to practice in courts of record," approved June 2, 1872; in force July 1, 1877, be and the same is hereby amended as to read as follows:

SECTION 72. Authenticated copies of records of judgments, orders and decrees, appealed from shall be filed in the office of the Clerk of the Supreme Court or Appellate Court, as the case may be, on or before the second day of the succeeding term of said courts: *Provided,* twenty (20) days shall have intervened between the termination of the court at which the judgment, order or decree appealed from and the sitting of the court, to which said appeal shall be taken; but if ten (10) days, and not twenty (20), shall have intervened as aforesaid, then the record shall be filed on or before the tenth day of said term and in case ten (10) days do not intervene, then said record shall be filed at the next succeeding term of the court to which said appeal may be taken, otherwise such appeal shall be dismissed unless further time be given to file the same by the court, to which said appeal shall have been taken, upon good cause shown.



1. Introduced Feb. 6, 1879, and ordered to First Reading.
2. First Reading Feb. 7, 1879, and referred to Committee on Railroads.
3. Reported back with Amendments, Passage Recommended, and ordered to Second Reading Feb. 28, 1879.

### AMENDMENTS.

Amend section 1 by striking out lines 11, 12, 13, 14, 15, within bill.

Amend section 4, by striking out all after the second word "of" in lines 7 down to, and including the word "character" in line 10, and inserting the words "such proposed railroad."

Amend section 9 by striking out all of said section down to the emergency clause, and inserting the following; "The provisions of this act shall not affect in any degree or apply to persons who do not sign the agreement as specified in section 1, nor shall the association have any power or authority except to procure as herein specified the right of way or other easement contemplated, and they shall cease to exist as soon as the object for which they are formed, shall be completed.

## A BILL

For an act to enable voluntary associations to procure depot grounds and the right of way for Railroads and other public improvements.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly*, That it shall be lawful for any number of persons who shall sign an instrument in writing to that effect, to become an association for the purpose of equalizing the burdens arising out of or from, the taking and use of the right of way, depot grounds, and other conveniences for Railroad purposes; or grounds on which to erect and maintain levees to protect lands from overflow, or ditches for draining purposes, and for highways and cartways and all other uses of a public or quasi public character.



9 The persons signing said articles shall acknowledge the same in like manner as  
 10 deeds for the conveyance of lands, and the acknowledgment shall be certified to in  
 11 like manner. The provisions herein contained shall be applicable to cases where  
 12 the association has undertaken to procure the right of way or other easement free of  
 13 charge to those proposing to construct the work, and if the owner of the land where  
 14 the right of way is desired refuses to become a member of the association, and re-  
 15 quires payment of damages either by agreement or by condemnation, and if con-  
 16 demnation shall become necessary in any case, the said association shall have the  
 17 right to use the name of the corporation for this purpose, but at the cost of the  
 18 association.

§ 2. Said association shall be called together by notice to be published in some  
 2 public newspaper printed at the county seat of the county where the majority of  
 3 such members reside, notifying them to meet at said county seat on some day not  
 4 less than two, nor more than four weeks from the day of publication; which call  
 5 shall be signed by at least five members of the association.

§ 3. If at least three-fifths of said members do not meet together pursuant to said  
 2 call, the meeting shall be adjourned for three weeks, and notice of said adjournment  
 3 shall be published as aforesaid, except as to the length of time of the publication,  
 4 and if at the time of the next meeting, less than a majority in number of said mem-  
 5 bers have assembled, the meeting shall be adjourned over for two weeks, of which  
 6 notice shall be given in a paper as aforesaid. At the time of said third call any  
 7 number of members not less than five may organize and elect by ballot, a Chairman,  
 8 Secretary and Treasurer, who shall thenceforward manage the affairs of the organi-  
 9 zation, and the Chairman, Secretary and Treasurer shall call meetings by giving to  
 10 each member a notice either personally or through the mail.

§ 4. When organized, the association (each member having one vote) shall elect  
 2 by ballot in the manner usual with corporations, five appraisers outside of the body  
 3 whose duty it shall be, if occasion requires it, to personally investigate the condition  
 4 of things along the line of any rail or other road, canal, levee, embankment, ditch  
 5 or drain, or other work of a public or quasi public character, and where the land,  
 6 materials, or any part thereof has been donated, to justly and impartially estimate  
 7 the damages sustained by the person or persons, thus donating, and award in their

8 favor accordingly; and also to determine in the same manner, the amount of the  
 9 benefit received by each of said members from said work, whose lands have not  
 10 been taken, and to award against them, or each of them accordingly. A majority  
 11 of said appraisers shall constitute a quorum, and may make awards.

§ 5 The minutes of the proceedings of said association shall be kept by the  
 2 Secretary, and subject to public inspection, and the awards shall be filed with, and  
 3 kept by the Clerks of the County Courts of the counties in which such organiza-  
 4 tions take place, and shall be entered up in the judgment records of said courts, and  
 5 have all the force and effect of final judgments of said courts, and the clerks of said  
 6 courts upon order by the Judge, shall issue execution thereon as in other cases.

§ 6 The said awards shall be final and conclusive for and against the parties, ex-  
 2 cept where fraud is alleged, in which case they may be inquired into by and before  
 3 the said county judge, whose decision shall be final; but no other question but fraud  
 4 on the part of the appraisers shall be considered, and in the event that the charge of  
 5 fraud is found to be true, the award in such case shall be set aside and other ap-  
 6 praisers shall be selected in like manner as the first, who shall proceed to make a  
 7 new award. The receipt of the amount awarded to any person shall have the effect  
 8 of a release of all damages arising from the appropriation of his land to the contem-  
 9 plated work. All the costs and expenses, including compensation of officers and ap-  
 10 praisers to be fixed at one of the meetings, (if demanded) shall be paid in such man-  
 11 ner as the meeting shall direct

§ 7. The treasurer of said organization shall give bond with good security to be  
 2 approved by the chairman and secretary, conditioned for the faithful keeping and  
 3 application of all moneys which may come into his hands as such treasurer, and be  
 4 made payable to the chairman of the organization, and in case of a recovery upon  
 5 said land, the court before whom it takes place shall require bonds and security of  
 6 said chairman, or other person in whose name the recovery is had, conditioned for  
 7 the proper application of the money so recovered.

§ 8. The officers and appraisers of this association previous to entering upon their  
 2 duties shall each take an oath, and subscribe to the same, that he will faithfully and  
 3 impartially perform the duties of his office to the best of his ability, and according  
 4 to law.

§ 9. Organizations of a similar character, (or proximately so) to those hereby  
2 authorized may by resolution avail themselves of the rights, privileges and powers,  
3 and become bound by the obligations herein conferred or imposed:

Whereas it is in contemplation to construct some railroads and other works of a  
2 public character, such as are embraced within the scope and design of this act, there-  
3 fore an emergency exists, and this act shall take effect and be in force from and after  
4 its passage.

1. Introduced by Mr. Fuller, Feb. 6, 1879, and ordered to First Reading.
2. First Reading Feb. 7, 1879, and referred to Committee on Penal and Reformatory Institutions.
3. Reported back, Passage Recommended, ordered to Second Reading Feb. 26, 1879.

## A BILL

For an Act to amend sections one hundred and forty-two (142), one hundred and forty-six (146), and two hundred and thirty-seven (237) of an act entitled "an act to revise the law in relation to criminal jurisprudence," approved March 27, 1874.

SECTION 1. *Be it enacted by the people of the state of Illinois represented in the General Assembly,*

- 2 That sections one hundred and forty-two (142), one hundred and forty-six (146), and
- 3 two hundred and thirty-seven (237), of an act entitled "an act to revise the law in re-
- 4 lation to criminal jurisprudence," approved March 27, 1874, be so amended as to
- .5 read, respectively, as follows.

§ 142. Whoever is guilty of murder, shall suffer the punishment of death, or im-  
2 prisonment in the penitentiary for a term not less than fourteen years, and not ex-  
3 ceeding thirty-three years. If the accused is found guilty by a jury, they shall fix  
4 the punishment by their verdict; upon a plea of guilty, the punishment shall be  
5 fixed by the court.

§ 146. Whoever is guilty of manslaughter shall be imprisoned in the penitentiary  
2 for a term not exceeding thirty three years. If the accused is found guilty by a  
3 jury, they shall fix the punishment by their verdict; upon a plea of guilty, the pun-  
4 ishment shall be fixed by the court.

§ 237. Rape is the carnal knowledge of a female forcibly and against her will.  
2 Every male person of the age of fourteen years and upwards, who shall have carnal  
3 knowledge of any female child, under the age of ten years, either with or without  
4 her consent, shall be adjudged to be guilty of the crime of rape. Every person con-  
5 victed of the crime of rape, shall be imprisoned in the penitentiary for a term not  
6 less than one year, and not exceeding thirty-three years, or shall suffer the punish-  
7 ment of death. If the accused is tried by a jury, they shall fix the punishment by  
8 their verdict; upon a plea of guilty, the punishment shall be fixed by the court.



1. Introduced by Mr. Fuller, Feb. 6, 1879, and ordered to first reading.
2. First reading Feb. 7, and referred to Committee on Penal and Reformatory Institutions.
3. Reported back, passage recommended, and ordered to second reading Feb. 26.
4. April 3, ordered engrossed and to third reading.

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## A BILL

For an act to amend sections one hundred and forty-two (142), one hundred and forty-six (146) and two hundred and thirty-seven (237) of an act entitled "An Act to revise the law in relation to criminal jurisprudence," approved March 27, 1874.

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SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* that sections one hundred and forty-two (142), one hundred and forty-six (146) and two hundred and thirty-seven (237) of an an act entitled "An Act to revise the law in relation to criminal jurisprudence," approved March 27, 1874, be so amended as to read, respectively as follows :

SECTION 142. Whoever is guilty of murder, shall suffer the punishment of death or imprisonment in the penitentiary for a term not less than fourteen years, and not exceeding thirty-three years. If the accused is found guilty by a jury, they shall fix the punishment by their verdict; upon a plea of guilty, the punishment shall be fixed by the court.

§ 146. Whoever is guilty of manslaughter, shall be imprisoned in the penitentiary for a term not exceeding thirty-three years. If the accused is found guilty by a jury, they shall fix the punishment by their verdict; upon a plea of guilty, the punishment shall be fixed by the court.

§ 237. Rape is the carnal knowledge of a female forcibly and against her will.

2 Every male person of the age of fourteen years and upwards who shall have carnal  
3 knowledge of any female child under the age of ten years, either with or without her  
4 consent, shall be adjudged to be guilty of the crime of rape. Every person convicted  
5 of the crime of rape, shall be imprisoned in the penitentiary for a term not less than  
6 one year, and not exceeding thirty-three years.

1. Introduced by Mr. Hamilton Feb. 6, 1879, and ordered to first reading.
2. First reading Feb. 7, 1879, and referred to Committee on Penal and Reformatory Institutions.
3. Reported back, passage not recommended, ordered to second reading February 27, 1879.

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## A BILL

For An act to amend section eleven (11) of An act entitled "An act to locate, construct and carry on the Southern Illinois Penitentiary," approved May 24th, 1877, in force July 1st, 1877.

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SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That section eleven (11) of an act entitled "An act to locate, construct and carry on the Southern Penitentiary," approved May 24th, 1877, in force July 1st, 1877, be and the same is hereby amended so that it shall read as follows:

SECTION 11. All convicts hereafter sentenced to the penitentiary by any court of competent jurisdiction in the following counties, to-wit: Iroquois, Ford, McLean, Woodford, Peoria, Knox, Warren and Henderson, and in all counties lying and being north of the same, shall be committed to the Illinois State Penitentiary, at Joliet, and all convicts sentenced to the penitentiary by any court of competent jurisdiction in the counties lying and being south of the above named counties shall be committed to the Southern Illinois Penitentiary: *Provided,* That the authorities in charge of the Southern Illinois Penitentiary and the one at Joliet may, with the approval of the Governor, make such exchange of prisoners from one penitentiary to the other as good discipline and the interest of the State may require.





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(Substitute for House Bill No. 65 and 96.)

1. Introduced from Committee on Municipalities, February 7, 1879, and ordered to second reading.
2. First reading February 7, 1879, and ordered to second reading.

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## A BILL

For an Act to provide for the punishment of persons violating any of the ordinances of the several cities and villages in this State.

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SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General*  
2 *Assembly, That in all actions for the violation of any ordinance of any city or village*  
3 *organized under any general or special law of this State the first process shall be a*  
4 *summons; Provided, however, that a warrant for the arrest of the offender may issue in*  
5 *the first instance upon the affidavit of any person that any such ordinance has been*  
6 *violated, and that the person making the complaint has reasonable grounds to believe*  
7 *the party charged is guilty thereof, and any person arrested upon such warrant, shall*  
8 *without unnecessary delay be taken before the proper officer to be tried for the alleged*  
9 *offense. Any person upon whom any fine or penalty shall be imposed may, upon the*  
10 *order of the Court or Magistrate before whom the conviction is had, be committed to*  
11 *the county jail, or the calaboose, city prison, work-house, house of correction or other*  
12 *place provided by such cities or villages by ordinance for the incarceration of such*  
13 *offenders until such fine, penalty and cost shall be fully paid, Provided, that no such*  
14 *imprisonment shall exceed six months for any one offense. The city council or board*  
15 *of trustees of any such cities or villages shall have power to provide by ordinance that*  
16 *every person so committed shall be required to work at such labor as his or her*  
17 *strength will permit, within and without such prison, work-house, house of correction*  
18 *or other place provided for the incarceration of such offenders, not to exceed ten hours*  
19 *each working day, and for such work the person so employed or worked, shall be al-*

lowed, exclusive of his or her board the sum of fifty cents for each days' work on account of such fine and costs.

§ 2. All acts and parts of acts inconsistent with the foregoing section are hereby repealed.

§ 3. WHEREAS, in some of the cities and villages in this State there is no authority for the imprisonment of offenders in work-houses or houses of correction and requiring such offenders to work, therefore, an emergency is declared to exist, and this act shall be in force from and after its passage.

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(In House.)

1. Reported to House February 26.
2. First reading March 3, and referred to Committee on Municipal Affairs.
3. Reported back, passage recommended and ordered to second reading March 28.

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**A BILL**

For An Act to provide for the punishment of persons violating any of the ordinances of the  
several cities and villages in this State.

---

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General*  
2 *Assembly,* That in all actions for the violation of any ordinance of any city or village  
3 organized under any general or special law of this State the first process shall be a  
4 summons: *Provided, however,* that a warrant for the arrest of the offender may issue in  
5 the first instance upon the affidavit of any person that any such ordinance has been vio-  
6 lated, and that the person making the complaint has reasonable grounds to believe the  
7 party charged is guilty thereof, and any person arrested upon such warrant, shall with-  
8 out unnecessary delay be taken before the proper officer to be tried for the alleged of-  
9 fense. Any person upon whom any fine or penalty shall be imposed may, upon the  
10 order of the court or magistrate before whom the conviction is had, be committed to the  
11 county jail, or the calaboose, city prison, work-house, house of correction or other place  
12 provided by such cities or villages, by ordinance, for the incarceration of such offenders  
13 until such fine, penalty and cost shall be fully paid: *Provided,* that no such imprison-  
14 ment shall exceed six months for any one offense. The city council or board of trus-  
15 tees of any such cities or villages shall have power to provide, by ordinance, that every  
16 person so committed shall be required to work at such labor as his or her strength will  
17 permit, within and without such prison, work-house, house of correction or other  
18 place provided for the incarceration of such offenders, not to exceed ten hours each

19 working day, and for such work the person so employed or worked, shall be allowed,  
20 exclusive of his or her board, the sum of fifty cents for each day's work on account of  
21 such fine and costs.

§ 2. All acts or parts of acts inconsistent with the foregoing section are hereby re-  
2 pealed.

§ 3. WHEREAS, In some of the cities and villages in this State there is no authority  
2 for the imprisonment of offenders in work-houses or houses of correction and requiring  
3 such offenders to work, therefore an emergency is declared to exist, and this act shall  
4 be in force from and after its passage.

1. Reported by Mr. Wagon, February 7, and ordered to first reading.
2. Reported by Mr. Wagon, February 7, and ordered to the committee on Roads, Highways and Bridges.
3. Reported by Mr. Wagon, February 14, and ordered to second reading March 28.

## A BILL

For an act to amend sections thirty-four (34), thirty-five (35), thirty-eight (38), thirty-nine (39), forty (40), forty-one (41), forty-two (42), forty-three (43), forty-four (44) and forty-six (46), and to repeal also section thirty-six (36) of an act entitled an act in regard to gateways, roads and bridges in counties not under township organization," approved April 18, 1873.

*SECTION 1. Be it enacted by the People of the State of Illinois, represented in the General*

2 *Assembly,* That section thirty-four (34) of an act approved April 15, 1875, entitled "An  
3 Act to amend sections thirty-four (34), thirty-five (35), thirty-eight (38), forty (40), forty-  
4 one (41), forty-two (42), forty-three (43), forty-four (44) and forty-six (46), and to re-  
5 peal section thirty-six (36) of an act entitled an act in regard to gateways, roads and  
6 bridges in counties not under township organization," approved April 18, 1873, be so  
7 amended as to read as follows, to-wit:

§ 34. The county courts (county boards) of the several counties of this State which  
2 shall adopt the system of part tax and part labor, or all labor, at the December term,  
3 annually, shall and cause to be entered upon the records of their courts (boards) a cer-  
4 tain number of days that each and every able bodied man between the ages of twenty-  
5 one and fifty years shall labor upon roads within his road district during the year; and  
6 it shall be the duty of the clerk of said court (county clerk) to certify in the notice to  
7 each supervisor the number of days fixed as aforesaid for his road district.



1. Introduced by Mr. Kelly February 7, 1879, and ordered to first reading.
2. First reading February 7, 1879, and referred to Committee on Fees and Salaries.
3. Reported back, passage recommended, and ordered to second reading February 19, 1879.

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## A BILL

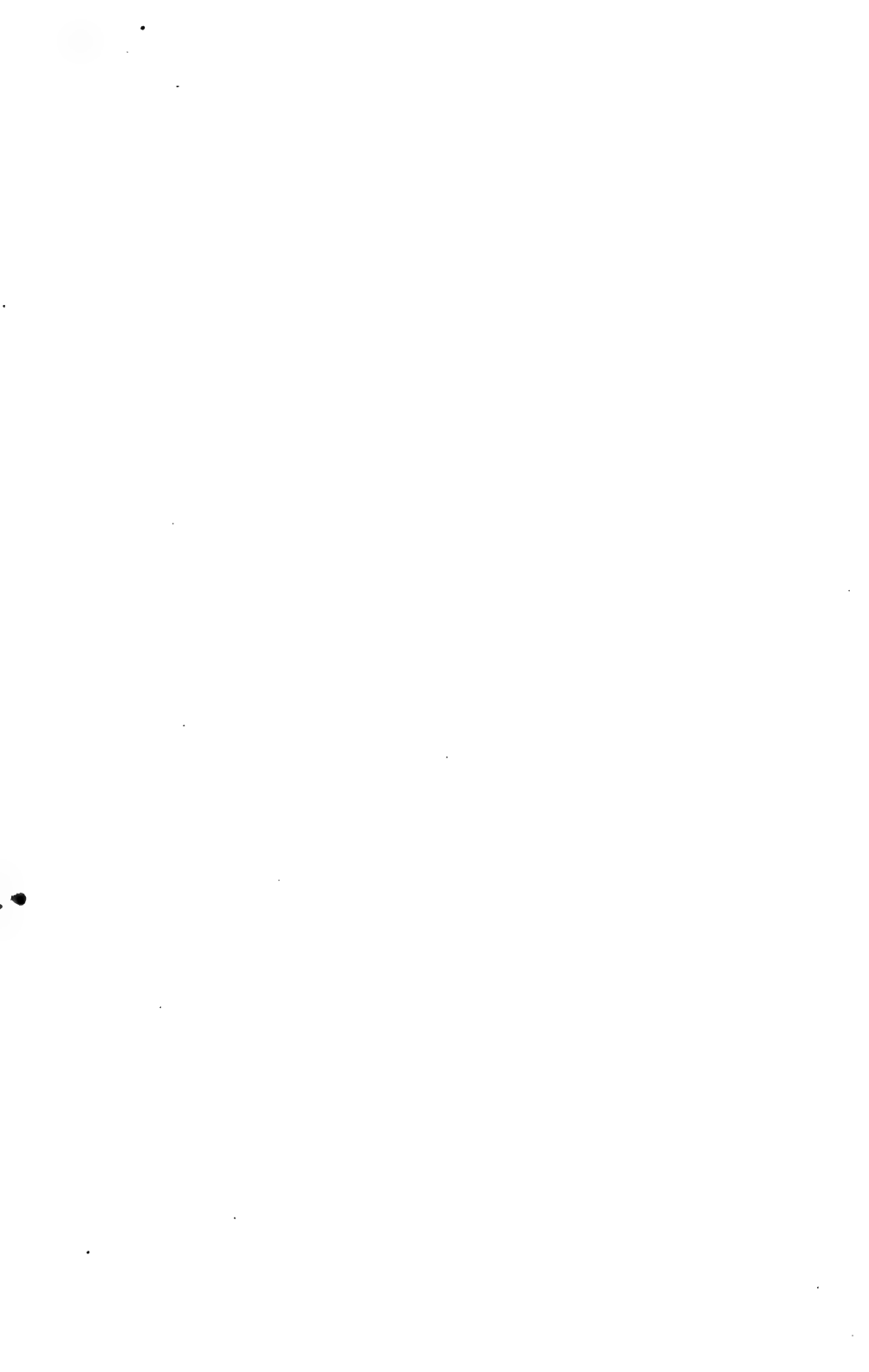
For an Act relating to persons having claims against the State of Illinois.

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**SECTION 1.** *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That before any claim against the State of Illinois is allowed, the claimant or his or her agent, shall verify the same by his or her affidavit, stating that the item or items therein mentioned are just and true, and the services charged for therein, or articles furnished, as the case may be, were rendered, or furnished, as therein charged, and were necessary; that the amount so claimed is due and unpaid.

§ 2. Affidavits referred to in section one of this act, may be made before any person authorized to administer oaths.





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1. Introduced by Mr. Kelly Feb. 7, 1879, and ordered to first reading.
  2. First reading Feb. 7, 1879, and referred to Committee on Fees and Salaries.
  3. Reported back, passage recommended and ordered to second reading February 19, 1879.
  4. March 4, second reading, amended and ordered to third reading.
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## A BILL

For an act relating to persons having claims against the State of Illinois.

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SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That before any claim against the State of Illinois is allowed, the claimant or his or her agent, shall verify the same by his or her affidavit, stating that the item or items therein mentioned are just and true, and the services charged for therein, or articles furnished, as the case may be, were rendered, or furnished, as therein charged, and that the amount so claimed is due and unpaid.

§ 2. Any person that shall authorize another to perform any act or labor, or furnish material for the State, shall certify that the same was necessary.

§ 3. Affidavits referred to in section one of this act, may be made before any person authorized to administer oaths.



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(In House.)

1. Reported to House March 18, 1879.
2. First reading March 27, and referred to Committee on Judicial Department.
3. Reported back, passage recommended and ordered to second reading May 14.

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**A BILL**

For an act relating to persons having claims against the State of Illinois.

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SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General*  
2 *Assembly,* That before any claim against the State of Illinois is allowed, the claimant  
3 or his or her agent, shall verify the same by his or her affidavit, stating that the item  
4 or items therein mentioned are just and true, and the services charged for therein, or  
5 articles furnished, as the case may be, were rendered, or furnished, as therein charged,  
6 and that the amount so claimed is due and unpaid.

§ 2. Any person that shall authorize another to perform any act or labor, or furnish  
2 material for the State, shall certify that the same was necessary.

§ 3. Affidavits referred to in section one of this act, may be made before any per-  
2 son authorized to administer oaths.



1. Introduced by Mr. Bonfield, February 7, 1879, and ordered to first reading.
  2. First reading February 7, 1879, and referred to Committee on Judiciary.
  3. Reported back, with amendments, passage recommended, and ordered to second reading February 23, 1879.
- 

1. Amend by striking out of the title of the bill all after the word "amend," in
  - 2 line one of written bill, and insert in lieu thereof the following: "Section
  - 3 seventeen of division fourteen of an act entitled An Act to revise the law in relation to
  - 4 criminal jurisprudence, approved March 23, 1874, in full force July 1st, 1874."
  - 5 2. Amend section 1 by striking out all thereof after the word "assembly," and
  - 6 insert in lieu thereof the following: "That section seventeen of division fourteen of
  - 7 an act entitled an act to revise the law in relation to criminal jurisprudence, approved
  - 8 March 27, 1874, in force July 1st, 1874, be and the same is hereby amended so as to
  - 9 read as follows."
  - 10 3. Insert before the word "whenever," the words and figures "section 17."
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## A BILL

For an act to amend section 455 of an act entitled "An Act to revise the law in relation to  
criminal jurisprudence, approved March 27th, 1874.

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- SECTION 1.** *Be it enacted by the People of the State of Illinois, represented in the General*
- 2 *Assembly,* That section four hundred and fifty-five of an act entitled "An Act to revise
  - 3 the law in relation to criminal jurisprudence," approved March 27th, 1874, be and the
  - 4 same is amended so as to read as follows:

5 Whenever it shall be made satisfactorily to appear to the court, after all legal means  
6 have been exhausted, that any person who is confined in jail for any fine or costs of  
7 prosecution, for any criminal offense, with no estate wherewith to pay such fine and  
8 costs, or costs only, it shall be the duty of the court to discharge such person from fur-  
9 ther imprisonment for such fine and costs; but such discharge shall not operate as a  
10 release of such fine and costs, and the judgment by the same shall continue in force,  
11 and be subject to the same means of collection as judgments at law in civil cases: *Pro-*  
12 *vided*, that nothing herein contained shall authorize any person to be discharged from  
13 imprisonment before the expiration of the time for which he may be sentenced to be  
14 imprisoned, as part of his punishment.

1. Introduced by Mr. Bonfield February 7, 1879, and ordered to first reading.
2. First reading February 7, 1879, and referred to Committee on Judiciary.
3. Reported back with amendments, passage recommended, and ordered to second reading February 22, 1879.
4. March 21, amended and ordered to third reading.

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### A BILL

For an act to amend section seventeen (17) of division fourteen (14) of an act entitled "An act to revise the law in relation to criminal jurisprudence," approved March 27, 1874; in full force July 1, 1874."

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SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That section seventeen of division fourteen of an act entitled "An act to revise the law in relation to criminal jurisprudence," approved March 27, 1874; in force July 1, 1874, be and the same is hereby amended so as to read as follows:

SECTION 17. Whenever it shall be made satisfactorily to appear to the court, after all legal means have been exhausted, that any person who is confined in jail for any fine or costs of prosecution, for any criminal offense, hath no estate wherewith to pay such fine and costs, or costs only, it shall be the duty of the court to discharge such person from further imprisonment for such fine and costs; but such discharge shall not operate as a release of such fine and costs, and the judgment by the same shall continue in force, and be subject to the same means of collection as judgments at law in civil cases: *Provided*, that nothing herein contained shall authorize any person to be discharged from imprisonment before the expiration of the time for which he may be sentenced to be imprisoned as part of his punishment.





1. Introduced by Mr. HOENER, Feb. 7, 1879, and ordered to First Reading.
2. First Reading, Feb. 7, and referred to Committee on Fees and Salaries.
3. Reported back and referred to Committee on Judiciary Feb. 24, 1879.
4. Feb. 28. Reported back with recommendation be ordered to 2d reading. So ordered.

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## A BILL

For an Act to amend Sections Fourteen (14) and Twenty-Four (24) of Chapter Thirty-one (31) of an Act entitled "An act to revise the law in relation to coroners," approved February 6th, 1874, in force July 1st, 1874.

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SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That sections 14 and 24 of chapter 31 of the Revised Statutes of 1874 of an act entitled "an act to revise the law in relation to coroners, approved February 6th, 1874, in force July 1st, 1874, be amended so as to read as follows:*

"Section 14. It shall be the duty of the jurors, as sworn, as aforesaid, to inquire how, in what manner and by whom the said dead body came to its death, and of all other facts of and concerning the same, together with all material circumstances in any wise related to or connected with the said death, the jury before rendering a verdict shall have the power, whenever it may be necessary for the proper investigation of the cause of death, to order a post mortem examination of the body, and in such case the coroner shall make, or cause to be made, a dissection of the body, and file a record of the result in writing with the papers concerning the inquest. In case of poisoning, where any person may be implicated for murder or manslaughter, the parts containing the poison shall by the coroner be sealed up, in presence of the jury, and delivered to a skilled chemist for analysis; and the jury shall make up and sign a verdict, and deliver the same to the coroner.

§ 24. In the absence of the coroner from the county any justice of the peace of the county, knowing or being informed of the finding of the dead body of any person as aforesaid, shall have the like powers and discharge the same duties as are herein imposed upon the coroner, and shall be entitled to the same fees as the coroner for like services.



1. Introduced by Mr. Hoener February 7, 1879, and ordered to first reading.
2. First reading February 7, and referred to Committee on Penal and Reformatory Institutions.
3. Reported back with amendments, passage recommended, and referred to Committee on Appropriations March 21.
4. Reported back with amendments, passage recommended, and ordered to second reading May 1.
5. May 13, recommitted to Committee on Appropriations.
6. May 14, reported back, amended, and ordered to third reading.

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## A BILL

For an Act making an appropriation to complete the Southern Illinois Penitentiary.

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SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That there is hereby appropriated to the Southern Illinois Penitentiary for additional cell house and cells, convicts' kitchen, laundry, solitary, hospital and furniture for same, reservoir, heating, plumbing, gas works, and for such other buildings and improvements as in the judgment of the commissioners shall be deemed necessary, the sum of one hundred and fifty thousand dollars (\$150,000); the said buildings to be by contract let in accordance with the provisions of the act locating the Southern Penitentiary, except that the inside buildings may be built of brick; *Provided, That* on all advertisements for bids for the erection of said buildings, the commissioners shall require all contractors to include in any bid or bids for the construction of said buildings, or any part thereof, a specification of the amount proposed to be allowed for the labor of stone-cutters, stone-masons, brick-masons, brick-moulders, carpenters, skilled labor and common laborers of the convicts, in said penitentiary, and which labor, when employed in the construction of any of said buildings, shall be charged to the contractor or contractors at the price so agreed upon between the commissioners and such contractors, in part payment for the contract price of said buildings; which amount shall be paid to the commissioners of said penitentiary, out of any money in the treasury not otherwise appropriated, on the warrant of the Auditor of Public Ac-

19 counts, in sums not exceeding ten thousand dollars (\$10,000) at any one time, and the  
20 Auditor is hereby authorized to draw his warrant on the treasury in said sums of ten  
21 thousand dollars (\$10,000), for the amount of money herein appropriated, on receiving  
22 a certificate of said commissioners, or a majority of them, approved by the Governor,  
23 that said money is necessary for the purposes contemplated by this act: *Provided*, that  
24 after said commissioners shall have drawn any money by virtue of this act, they shall  
25 not be entitled to draw or receive any more money by virtue hereof while there shall  
26 remain in their hands unexpended the amount of one thousand dollars (\$1,000), and  
27 said certificate shall be accompanied by vouchers showing the expenditure of the sum  
28 last drawn, and an abstract thereof, showing a balance of less than one thousand dol-  
29 lars (\$1,000) on hand.

§ 2. WHEREAS, The appropriation heretofore granted the above institution has been  
3 exhausted, and the buildings are not completed, and an emergency exists; therefore,  
4 this act shall take effect and be in force from and after its passage.

1. Introduced by Mr. Hoener February 7, 1879, and ordered to first reading.
2. First reading February 7, and referred to Committee on Penal and Reformatory Institutions.
3. Reported back with amendments, passage recommended, and referred to Committee on Appropriations March 21.
4. Reported back with amendments, passage recommended, and ordered to second reading May 1.

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**Amendment by Committee on Penal and Reformatory Institutions:**

Amend by striking out after the word "of," in the fourth line of the bill, the words,  
2 "Four hundred and nine thousand dollars be and the same is hereby appropriated for  
3 the completion," and insert in lieu thereof the following, the words, "two hundred and  
4 twenty-five thousand dollars be and the same is hereby appropriated to carry on the  
5 construction."

**Amendment by the Committee on Appropriations to the amendment of Committee on Penal  
and Reformatory Institutions:**

Amend by striking out all of said amendment after the word "words," and insert in lieu  
2 thereof the following, "For additional cell house and cells, convicts' kitchen, laundry,  
3 solitary, hospital and furniture for same, reservoir, heating plumbing, gas works, and  
4 for such other buildings and improvements as in the judgment of the commissioners  
5 shall be deemed necessary, the sum of one hundred and fifty thousand dollars (\$150,000)."

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**A BILL**

**For an Act making an appropriation to complete the Southern Illinois Penitentiary**

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*Section 1. Be it enacted by the people of the State of Illinois, represented in the General*

*Assembly, That the sum of four hundred and nine thousand dollars be and the same is*

3 hereby appropriated for the completion of the Southern Illinois Penitentiary; which  
 4 amount shall be paid to the commissioners of said penitentiary, out of any money in  
 5 the treasury not otherwise appropriated, on the warrant of the Auditor of Public Ac-  
 6 counts, in sums not exceeding ten thousand dollars at any one time, and the Auditor  
 7 is hereby authorized to draw his warrant on the treasury in said sums of ten thousand  
 8 dollars, for the amount of money herein appropriated, on receiving a certificate of said  
 9 commissioners, or a majority of them, approved by the Governor, that said money is  
 10 necessary for the purposes contemplated by this act: *Provided*, that after said commis-  
 11 sioners shall have drawn any money by virtue of this act, they shall not be entitled to  
 12 draw or receive any more money by virtue hereof, while there shall remain in their  
 13 hands unexpended the amount of one thousand dollars, and said certificate shall be  
 14 accompanied by vouchers showing the expenditure of the sum last drawn, and an ab-  
 15 stract thereof, showing a balance of less than one thousand dollars on hand: *And, pro-*  
 16 *vided also*, that one half of said sum of four hundred and nine thousand dollars shall be  
 17 available for the year 1879, and one half for the year 1880.

§ 2. WHEREAS, The appropriation heretofore granted the above institution, has  
 2 been exhausted, and the buildings are not completed, and an emergency exists; there-  
 3 fore, this act shall take effect and be in force from and after its passage.

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(In House.)

1. Reported to House May 22, 1879.
2. First Reading May 22, 1879, and referred to Committee on Appropriations.
3. Reported back with Amendments, Passage Recommended, and ordered to Second Reading, May 24, 1879.

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Amendment to Senate Bill No 216 offered by the Committee on Appropriations, May 24th 1879.

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Amend by striking out all after the enacting words and insert in lieu thereof the following.

"That the sum of one hundred and fifty thousand Dollars or so much thereof as may be necessary be and the same is hereby appropriated for the purpose of purchasing necessary material and the employment of such skilled labor as the penitentiary commissioners shall find absolutely necessary in the erection and completion with the employment of convict labor, in the completion of the north cell-house with capacity for at least four hundred additional convicts, the building of a chapel, laundry, convict kitchen, ice, meat and smoke house, hospital, solitary, engine house and fuel rooms, one workshop, gas works and fixtures, pumps and reservoir, steam heating apparatus, plumbing and foundation of south cell house of the Southern Illinois Penitentiary, in accordance with the plans and specifications adopted for the said Southern Illinois Penitentiary: *Provided*, that the workshop, or any other building other than the cell house, may be built of



13 brick in the discretion of the Commissioners. The Commissioners of said Peniten-  
14 tiary shall make no contracts for or otherwise employ any other than convict labor,  
15 where the same can be used with due regard to the proper construction of said  
16 buildings.

The money herein appropriated shall be paid upon vouchers, properly certified  
2 by the Commissioners of said Penitentiary and approved by the Governor, out of  
3 any money in the treasury not otherwise appropriated, on the warrant of the Au-  
4 ditor of Public Accounts, in sums not exceeding ten thousand dollars at any one  
5 time, and the Auditor is hereby authorized to draw his warrant on the treasurer in  
6 said sums of not exceeding ten thousand dollars each for the amount of money here-  
7 in appropriated, on receiving a certificate of said Commissioners or a majority of  
8 them approved by the Governor, that said money is necessary for the purposes con-  
9 templated by this act: *Provided*, that after said Commissioners shall have drawn  
10 any amount of money by virtue of this act, they shall not be entitled to draw or re-  
11 ceive any more money by virtue hereof, while there shall remain in their hands un-  
12 expended the amount of over one thousand dollars, and they shall produce to the  
13 Auditor of Public Accounts proper vouchers showing the expenditure of such  
14 money. Said certificate shall show the name of each party to whom any money  
15 may be due, together with the amount and for what purpose the expenditure was  
16 incurred: *Provided, further*, that nothing herein shall be construed as to prevent the  
17 Commissioners from drawing the first ten thousand dollars in advance as a  
18 working fund.

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## A BILL

For an Act making an appropriation to complete the Southern Illinois Penitentiary.

---

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That there is hereby appropriated to the Southern Illinois Penitentiary for additional cell house and cells, convicts' kitchen, laundry, solitary, hospital and furniture for same, reservoir heating, plumbing, gas works, and for such other buildings and improvements as in the judgment of the commissioners shall be deemed necessary, the sum of one hundred and fifty thousand dollars (\$150,000); the said buildings to be by contract let in accordance with the provisions of the act locating the Southern Penitentiary, except that the inside buildings may be built of brick; *Provided* That in advertisements for bids for the erection of said buildings, the commissioners shall require all contractors to include in any bid or bids for the construction of said buildings, or any part thereof, a specification of the amount proposed to be allowed for the labor of stone-cutters, stone-masons, brick masons, brick-moulders, carpenters, skilled labor and common labor of the convicts, in said penitentiary, and which labor, when employed in the construction of any of said buildings, shall be charged to the contractor or contractors at the price so agreed upon between the commissioners and such contractors, in part payment for the contract price of said buildings; which amount shall be paid to the commissioners of said penitentiary, out of any money in the treasury not otherwise appropriated, on the warrant of the Auditor of Public Accounts, in sums not exceeding ten thousand dollars (\$10,000) at any one time, and the Auditor is hereby authorized to draw his warrant on the treasury in said sums of ten thousand dollars (\$10,000), for the amount of money herein appropriated, on receiving a certificate of said commissioners or a majority of them, approved by the Governor, that said money is necessary for the purposes contemplated by this act: *Provided*, that after said commissioners shall have drawn any money by virtue of this act, they shall not be entitled to draw or receive any more money by virtue hereof while there shall

26 remain in their hands unexpended the amount of one thousand dollars (\$1,000), and  
27 said certificate shall be accompanied by vouchers showing the expenditure of the sum  
28 last drawn, and an abstract thereof, showing a balance of less than one thousand  
29 dollars (\$1,000) on hand.

§ 2. WHEREAS, The appropriation heretofore granted the above institution has been  
2 exhausted, and the buildings are not completed, and an emergency exists; therefore,  
3 this act shall take effect and be in force from and after its passage.

(In House.)

- 1 Reported to House May 22, 1879.
- 2 First reading May 22, and referred to Committee on Appropriations.
- 3 Reported back with amendments, passage recommended, and ordered to second reading May 24, 1879.
- 4 Second reading, amended and ordered to third reading May 28, 1879.

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Amendment adopted May 28, 1879.

Amend by striking out all after the enacting words and insert in lieu thereof the following: "That the sum of one hundred and fifty thousand dollars or so much thereof as may be necessary be and the same is hereby appropriated for the purpose of purchasing necessary material and the employment of such skilled labor as the penitentiary commissioners shall find absolutely necessary in the erection and completion with the employment of convict labor, in the completion of the north cell house with capacity for at least four hundred additional convicts, the building of a chapel, laundry, convict kitchen, ice, meat and smoke house, hospital, solitary, engine house and fuel rooms, one workshop, gas works and fixtures, pumps and reservoir, steam-heating apparatus, plumbing and foundation of south cell-house of the Southern Illinois Penitentiary, in accordance with the plans and specifications adopted for the said Southern Illinois Penitentiary: *Provided*, that the workshop, or any other building other than the cell-house, may be built of brick in the discretion of the commissioners. The commissioners of said penitentiary shall make no contracts for or otherwise employ any other than convict labor, where the same can be used with due regard to the proper construction of said buildings.

The money herein appropriated shall be paid upon vouchers, properly certified by the commissioners of said penitentiary and approved by the Governor, out of any money in the treasury not otherwise appropriated, on the warrant of the Auditor of Public Accounts, in sums not exceeding ten thousand dollars at any one time, and the Auditor is hereby authorized to draw his warrant on the treasurer in said sums of not exceeding ten thousand dollars each, for the amount of money

23 here appropriated, on receiving a certificate of said commissioners, or a majority of  
24 them, approved by the Governor, that said money is necessary for the purposes con-  
25 templated by this act: *Provided*, that after said commissioners shall have drawn any  
26 amount of money by virtue of this act, they shall not be entitled to draw or receive any  
27 more money by virtue hereof, while there shall remain in their hands unexpended the  
28 amount of over one thousand dollars, and they shall produce to the Auditor of Public  
29 Accounts proper vouchers showing the expenditure of such money. Said certificate  
30 shall show the name of each party to whom any money may be due, together with the  
31 amount and for what purpose the expenditure was incurred: *Provided, further*, that  
32 nothing herein shall be construed as to prevent the commissioners from drawing the  
33 first ten thousand dollars in advance as a working fund.

34 Amend by adding to end of section the following: "And the Commissioners of the  
35 said Southern Illinois Penitentiary are hereby authorized to use such portion of the  
36 appropriation herein made, as may be available for the purpose of erecting a hospital  
37 department adapted to the care and custody of the insane convicts."

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1. Introduced by Mr. Shutt February 7, 1879, and ordered to first reading.
  2. First reading February 7, 1879, and referred to Committee on Judiciary.
  3. Reported back, passage recommended, and ordered to second reading February 12, 1879.
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## A BILL

For an act to amend Section 138, Division 1, of an act entitled "An act to revise the law in relation to criminal jurisprudence," approved March 27, 1874; in force July 1, 1874.

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**SECTION 1.** *Be it enacted by the People of the State of Illinois represented in the General Assembly,* That Section 138, Division 1, of an act entitled "An act to revise the law in relation to criminal jurisprudence," approved March 27, 1874; in force July 1, 1874, be and the same is hereby amended so as to read as follows:

Whoever wilfully, and without authority, digs up, disinters, removes or conveys away from the place of sepulture or interment thereof, any human body or the remains thereof, or knowingly aids in such disinterment, removal or conveying away, shall be imprisoned in the penitentiary not less than one nor more than ten years.



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(In House.)

1. Reported to House March 8, 1879.
2. First reading March 22, 1879, and ordered to second reading.

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**A BILL**

For an act to amend section 138, division 1, of an act entitled "An Act to revise the law in relation to criminal jurisprudence," approved March 27, 1874; in force July 1, 1874.

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*Be it enacted by the people of the State of Illinois, represented in the General Assembly,*

2 That section 138, division 1, of an act entitled "An Act to revise the law in relation to  
3 criminal jurisprudence," approved March 27, 1874; in force July 1, 1874, be and the  
4 same is hereby amended so as to read as follows :

5 "Whoever wilfully, and without authority, digs up, disinters, removes or conveys  
6 away from the place of sepulture or interment thereof, any human body or the remains  
7 thereof, or knowingly aids in such disinterment, removal or conveying away, shall be  
8 imprisoned in the penitentiary not less than one nor more than ten years."





1. Introduced by Mr. Herdman Feb. 7, 1879, and ordered to first reading.
2. First reading Feb. 7, 1879, and referred to Committee on Judicial Department.
3. Reported back with amendments, passage recommended, and ordered to second reading March 19, 1879.

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Amendments by Committee on Judicial Department.

- Amend written bill by striking out the word "or" in the sixteenth line of written
- 2 bill and inserting in its place the words "fifty dollars, and on each conviction when the
  - 3 crime is punishable by."
  - 4 Amend by inserting after the word "convictions" in the nineteenth line of written
  - 5 bill the following words, "and the sum of five dollars upon such examination in the
  - 6 circuit court of a party bound over to keep the peace."

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**A BILL**

For an act to amend section eight of an act entitled "An Act concerning fees and salaries, and to classify the several counties of this State, with reference thereto," approved March 29, 1872; title as amended by act approved March 28, 1874.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General*

- 2 *Assembly, That section eight of an act entitled "An Act concerning fees and salaries,*
- 3 *and to classify the several counties of the State with reference thereto," approved*
- 4 *March 29, 1872; title as amended by act approved March 28, 1874, be and hereby is so*
- 5 *amended as to read as follows:*

SECTION 8. The State's Attorneys to be hereafter elected shall also be allowed the

- 2 following fees: On each conviction where crime is punished by death or confinement

3 in the penitentiary, fifteen dollars, and five dollars each on all other convictions. Ten  
4 per cent. upon all moneys (except revenue) collected by them and paid over to the  
5 State, or any county, which sum, together with the trial fees that cannot be collected  
6 from the parties convicted, shall be paid out of any fines and forfeited recognizances  
7 collected by them. Ten per cent. upon all moneys collected by them by suits brought  
8 for the State, or any county, which sum shall be paid out of the amount so collected.  
9 In each case of forfeited recognizance, where the forfeiture is set aside at the instance  
10 of the defendants, except where such forfeiture has been erroneously or irregularly  
11 entered, in addition to the ordinary costs, the sum of five dollars shall be collected as  
12 the State's Attorney's fees. In cases of indictment for false imprisonment or willful  
13 and malicious mischief, where the petit jury shall return with their verdict "not guilty,"  
14 that the prosecution acted maliciously in the premises, the sum of five dollars to be  
15 taxed and collected as other costs. Also the sum of ten dollars on the trial of any per-  
16 son under the provisions of the laws concerning bastardy.

1. Introduced by Mr. Herdman Feb. 7, 1879, and ordered to first reading.
2. First reading Feb 7, and referred to Committee on Judicial Department.
3. Reported back with amendments, passage recommended, and ordered to second reading March 19
4. Second reading, amended, and ordered third reading May 9.

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## A BILL

For an act to amend section eight of an act entitled "An Act concerning fees and salaries, and to classify the several counties of this State, with reference thereto," approved March 29, 1872; title as amended by act approved March 28, 1874.

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SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That section eight of an act entitled "An Act concerning fees and salaries and to classify the several counties of the State with reference thereto," approved March 29, 1872; title as amended by act approved March 28, 1874, be and hereby is so amended as to read as follows:

SECTION 2. The State's Attorneys to be hereafter elected shall also be allowed the following fees: On each conviction where crime is punished by death, fifty dollars, and on each conviction when the crime is punishable by confinement in the penitentiary, fifteen dollars, and five dollars each on all other convictions, and the sum of five dollar, upon such examination in the circuit court of a party bound over to keep the peace. Ten per cent. upon all moneys (except revenue) collected by them and paid over to the State, or any county, which sum, together with the trial fees that cannot be collected from the parties convicted, shall be paid out of any fines and forfeited recognizances collected by them. Ten per cent. upon all moneys collected by them by suits brought for the State, or any county, which sum shall be paid out of the amount so collected.

11 In each case of forfeited recognizance, where the forfeiture is set aside at the instance

12 of the defendants, except where such forfeiture has been erroneously or irregularly  
13 entered, in addition to the ordinary costs, the sum of five dollars shall be collected as  
14 the State's Attorney's fees. In cases of indictment for false imprisonment or willful and  
15 malicious mischief, where the petit jury shall return with their verdict "not guilty,"  
16 that the prosecution acted maliciously in the premises, the sum of five dollars to be  
17 taxed and collected as other costs. Also the sum of ten dollars on the trial of any per-  
18 son under the provisions of the laws concerning bastardy.

1. Introduced by Mr. Herdman, February 7, 1879, and ordered to first reading.
2. First reading February 7, 1879, and referred to Committee on Judicial Department.
3. Reported back, passage recommended, and ordered to second reading March, 8, 1879.

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## A BILL

For an act to amend section 44 of an act entitled "An Act in regard to practice in courts of record," approved February 22, 1872, in force July 1, 1872.

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SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That section 44 of an act entitled "An Act in regard to practice in courts of record," approved February 22, 1872, in force July 1, 1872, be and the same is hereby so amended as to read as follows:

"SECTION 44. When the affidavit is concerning the testimony of a witness, the party admitting such affidavit shall be held to admit only that if the absent witness were present he would testify as alleged in the affidavit; and such admission, in any case, civil or criminal, shall have no greater force or effect than if such absent witness were present and testified as alleged in the affidavit, leaving it to the party admitting such affidavit to controvert the statements contained therein, or to impeach said witness, the same as if such witness were present and examined in open court."



1. Introduced by Mr. Riddle Feb. 7, 1879, and ordered to first reading.
2. First reading Feb. 7, 1879, and referred to Committee on Miscellaneous.
3. Reported back with recommendation do not pass Feb. 25, 1879.
4. Feb. 25, ordered second reading.

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## A BILL

For an Act to insure the better professional education of practitioners of Dental Surgery in the State of Illinois.

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SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the*  
2 *General Assembly,* That it shall hereafter be unlawful for any person who is not at  
3 the time of the passage of this act engaged in the practice of Dentistry in this state  
4 to practice Dentistry within the limits of this state, unless such person shall have re-  
5 ceived a diploma from the faculty of some reputable dental college duly incorpora-  
6 ted under the laws of this or some other state of the United States, or foreign coun-  
7 try, in which is annually delivered in good faith, a full course of lectures and in-  
8 structions in dentistry: *Provided,* that any person removing into this state, who  
9 shall have been a practicing dentist for a period of ten (10) or more years previous  
10 to such removal, shall be entitled to practice dentistry in this state upon receiving a  
11 license as hereinafter provided.

*And further provided,* that any person holding a diploma of Doctor of Medicine  
12 from any reputable medical collage, shall be entitled to practice dentistry within  
13 the limits of this state, upon satisfying the board of examiners hereinafter provided  
14 for, that he or she has had proper special training in dentistry.

§ 2. It shall be the duty of the Illinois State Dental Society, from time to time  
2 to prescribe reasonable rules and regulations in relation to the qualifications of per-  
3 sons to be licensed as authorized by the provisos to the preceeding section of this  
4 act, and from time to time, to appoint five or more of the members thereof as a board  
5 of examiners for the examination of all such persons as may present themselves for



6 that purpose; and any person coming into this state after the passage of this act,  
 7 and all such Doctors of Medicine as are hereinbefore mentioned, who may furnish to  
 8 the said board of examiners appointed for that purpose by the Illinois State Dental  
 9 Society, satisfactory evidence that he or she is a person of good character and has  
 10 been engaged in the practice of dentistry for a period of ten (10) years, or is such a  
 11 Doctor of Medicine as hereinbefore mentioned, and who possesses the qualification  
 12 prescribed by such regulations, shall be licensed by said board of examiners to  
 13 practice dentistry in his state. Vacancies occurring in such board of examiners  
 14 shall be filled by the society appointing it by the selection of alternates, or other-  
 15 wise.

16 To carry out the terms of this section, it shall be the duty of said Illinois State  
 17 Dental Society to certify to the Governor of the State the names of the persons so  
 18 appointed from time to time as such board of examiners, and the Governor thereup-  
 19 on shall issue a commission to such persons to act as such board of examiners for  
 20 the term for which they may have been elected or appointed.

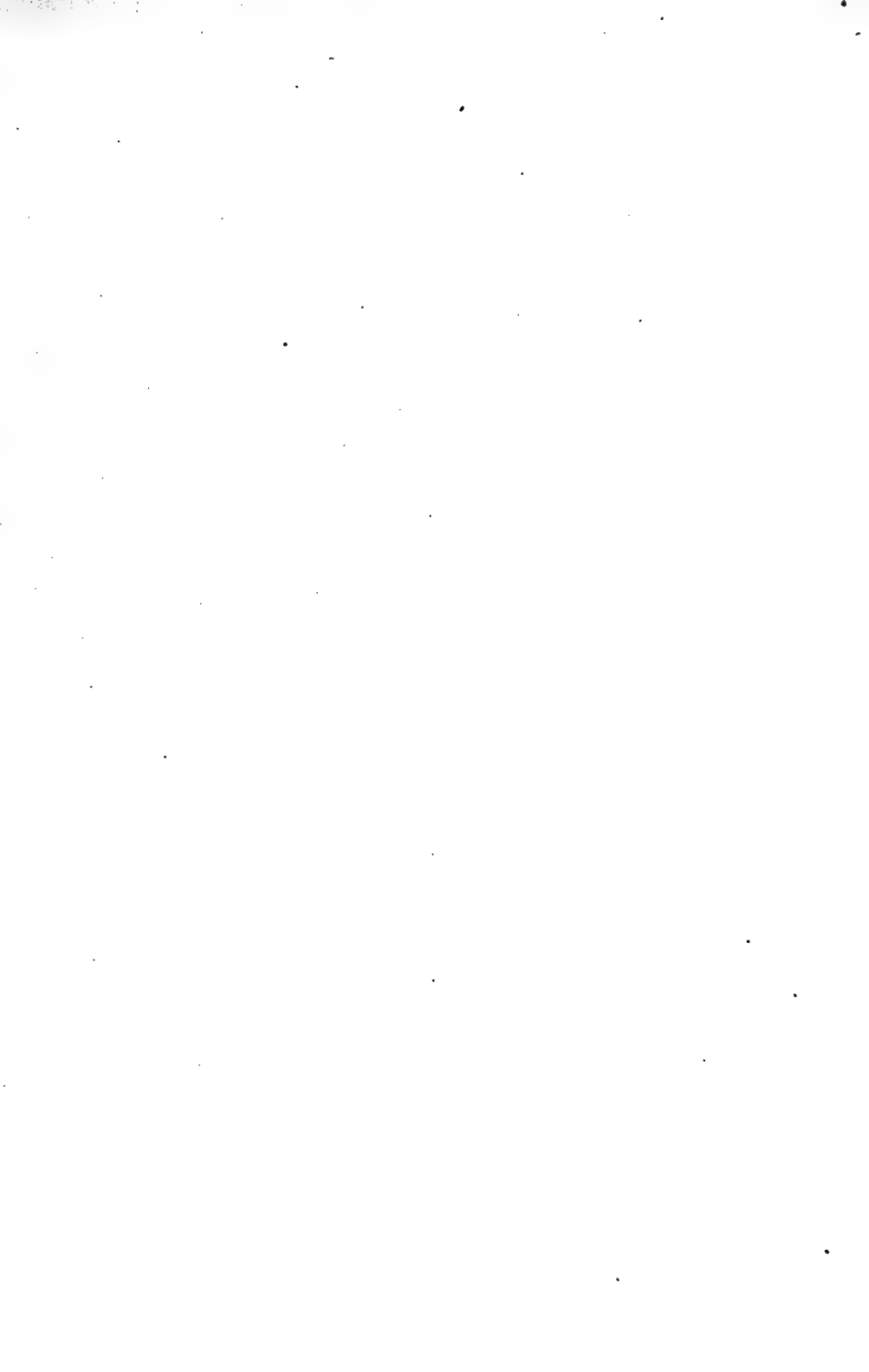
§ 3 It shall be the duty of all practitioners of dentistry in this state within one  
 2 year after the passage of this act, to register themselves with the board of examin-  
 3 ers of the Illinois State Dental Society, and for the board of examiners to register  
 4 such practitioners in the office of the secretary of state, at Springfield, upon their  
 5 compliance with this act. Any person practising dentistry in this state at the pas-  
 6 sage of this act, who shall furnish satisfactory evidence of that fact to the board of  
 7 examiners within one year of the passage of this act, shall be registered without ex-  
 8 amination.

§ 4 Candidates for examination shall pay a fee of five dollars (\$5) in advance,  
 2 which shall be returned to them if a license be refused. The fees received by the  
 3 board shall be paid into the treasury of the Illinois State Dental Society, and the ex-  
 4 penses and compensation of the board of examiners shall be subject to arrange-  
 5 ment with the society.

§ 5 If any persons not herein excepted shall practice dentistry in this state, with-  
 2 out having first obtained a license from the board of examiners of the Illinois State

3 Dental Society, as herein provided, or have been registered as aforesaid, he or they  
4 shall forfeit and pay for each offense not less than twenty five nor more than two  
5 hundred dollars, to be recovered before any justice of the peace, in an action of debt  
6 in the name of the Illinois State Dental Society; and the proceeds of each suit shall  
7 be paid one half thereof to the informer prosecuting said suit and the other half  
8 thereof into the county treasury to be disposed of as fines for misdemeanors are by  
9 law.

§ 6 This act shall not be so construed as to prohibit physicians from extracting  
2 teeth.



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(In House.)

1. Reported to House May 2, 1879.
2. First reading May 5, and referred to Committee on Education.
3. Reported back, passage recommended, and ordered to second reading, May 13.

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## A BILL

For an Act to insure the better professional education of practitioners of Dental Surgery in the State of Illinois.

---

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That it shall hereafter be unlawful for any person who is not at the time of the passage of this act engaged in the practice of Dentistry in this State to practice dentistry within the limits of this State, unless such person shall have received a diploma from the faculty of some reputable dental college duly incorporated under the laws of this or some other State of the United States, or foreign country, in which is annually delivered in good faith, a full course of lectures and instructions in dentistry: *provided*, that any person removing into this State, who shall have been a practicing dentist for a period of ten (10) or more years previous to such removal, shall be entitled to practice dentistry in this State upon receiving a license as hereinafter provided; *And further provided*, that any person holding a diploma of doctor of medicine from any reputable medical college, shall be entitled to practice dentistry within the limits of this State, upon satisfying the board of examiners hereinafter provided for, that he or she has had proper special training in dentistry.

§ 2. It shall be the duty of the Illinois State Dental Society, from time to time, to prescribe reasonable rules and regulations in relation to the qualifications of persons to be licensed, as authorized by the proviso to the preceding section of this act, and

4 from time to time, to appoint five or more of the members thereof as a board of examiners for the examination of all such persons as may present themselves for that purpose; 5 and any person coming into this State after the passage of this act, and all such doctors 6 of medicine as are hereinbefore mentioned, who may furnish to the said board of examiners, appointed for that purpose by the Illinois State Dental Society, satisfactory 7 evidence that he or she is a person of good character and has been engaged in the practice of dentistry for a period of ten (10) years, or is such a doctor of medicine as hereinbefore 8 mentioned, and who possesses the qualification prescribed by such regulations, 9 shall be licensed by said board of examiners to practice dentistry in this State. Vacancies occurring in such board of examiners, shall be filled by the society appointing it, 10 by the selection of alternates or otherwise.

11 To carry out the terms of this section, it shall be the duty of said Illinois State Dental Society to certify to the Governor of the State the names of the persons so 12 appointed from time to time as such board of examiners, and the Governor thereupon 13 shall issue a commission to such persons to act as such board of examiners for the term 14 for which they may have been elected or appointed.

§ 3. It shall be the duty of all practitioners of dentistry in this State within one 2 year after the passage of this act, to register themselves with the board of examiners of 3 the Illinois State Dental Society, and for the board of examiners to register such practitioners in the office of the Secretary of State, at Springfield, upon their compliance 4 with this act. Any person practicing dentistry in this State at the passage of this act, 5 who shall furnish satisfactory evidence of that fact to the board of examiners within 6 one year of the passage of this act, shall be registered without examination.

§ 4. Candidates for examination shall pay a fee of five dollars (\$5) in advance, 2 which shall be returned to them if a license be refused. The fees received by the board 3 shall be paid into the treasury of the Illinois State Dental Society, and the expenses 4 and compensation of the board of examiners shall be subject to arrangement with the 5 society.

§ 5. If any persons not herein excepted shall practice dentistry in this State, without 2 having first obtained a license from the board of examiners of the Illinois State Dental Society, as herein provided, or have been registered as aforesaid, he or they shall forfeit 3 and pay for each offense not less than twenty-five nor more than two hundred dollars,

5 to be recovered before any justice of the peace, in an action of debt in the name of the  
6 Illinois State Dental Society; and the proceeds of each suit shall be paid one-half there-  
7 of to the informer prosecuting said suit, and the other half thereof into the county  
8 treasury, to be disposed of as fines for misdemeanors are by law.

§ 6. This act shall not be so construed as to prohibit physicians from extracting  
2 teeth.



1. Introduced by Mr. Whiting February 11, 1879, and ordered to first reading.
2. First reading February 11, 1879, and referred to Committee on Railroads.
3. Reported back with recommendation it be printed, ordered to second reading and printed February 22, 1879.

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### A BILL

For an act to prevent the transportation of stolen stock.

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SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General*

2 *Assembly,* That no agent or officer of any railroad company in this State, or doing  
3 business in this State, shall receive any live stock for shipment or transportation, un-  
4 less the shipper thereof shall be personally known to such agent or officer: or, if un-  
5 known, shall be vouched for by some credible and reliable person who is personally  
6 known to such agent or officer.

§ 2. It shall be the duty of all railroad agents or officers receiving live stock for  
2 shipment or transportation to make an entry thereof in a book to be provided by the  
3 company for that purpose; which entry shall consist of a reasonably definite descrip-  
4 tion of the stock thus received, together with the date, the name of the shipper, and  
5 the name of the voucher, if any. And such record shall be *prima facie* evidence, in all  
6 courts of justice, in all suits or prosecutions arising under this act.

§ 3. If any agent or officer shall neglect to perform any of the duties herein im-  
2 posed, in shipping live stock or keeping due entries thereof, as above required, the  
3 railroad company shall be liable to a penalty of \$50 for each act of neglect or omission.  
4 And if any railroad company shall fail to provide a proper book for keeping the en-  
5 tries herein required, it shall be liable to a penalty of \$50 for every day the omission  
6 continues, to be recovered in an action brought on the complaint of any householder



7 within the jurisdiction of the court. And the company shall be further liable to the  
8 owners of any stock stolen and shipped, to its full value, unless there should have been  
9 a strict compliance with the provisions of this act, in the shipment of such stock.

§ 4. All civil actions and prosecutions herein provided for, may be brought in the  
2 usual manner, and with the usual mode of service. And justices of the peace shall have  
3 jurisdiction, as in other cases of negligence by railroad companies, as to causing fires or  
4 killing stock, where the amount claimed does not exceed \$200.

§ 5. This act shall not be construed to apply to transfers or reshipments, but only  
2 to first or original shipments.

1. Introduced by Mr. Riddle Feb. 11, 1879, and ordered to first reading.
2. First reading Feb. 11, 1879, and referred to Committee on Appropriations.
3. March 5, reported back, passage recommended, and ordered to second reading.

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### A BILL

For An Act to provide for renting rooms for the Appellate Court of the First District, and making an appropriation for the payment of the expenses of said court.

---

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the judges assigned to hold the appellate court in the first district are hereby authorized to obtain a lease of the rooms now occupied for holding said court, and for the use of the officers thereof, for a term not exceeding three years from the expiration of the present lease thereof, or to rent other suitable rooms in the city of Chicago, for the holding of said court, and for the use of the officers thereof, for a term not exceeding three years from the first day of June, 1879, at a rental not exceeding five thousand dollars per annum.

§ 2. For the purpose of paying the rent of said rooms, and of defraying the expenses incurred by said court, or necessarily incidental to holding thereof, the sum of six thousand dollars per annum for two years, commencing June 1, 1879, be and the same is hereby appropriated out of the State treasury. And upon presentation of accounts for said rent and other expenses certified by the judges of said court, or a majority of them, to the Auditor of Public Accounts, the said Auditor shall draw his warrants on the State treasury for the amount of the same, payable to the holders of such certificates, out of the appropriation hereby made.



1. Introduced by Mr. Riddle, February 11, and ordered to first reading.
2. First reading February 11, and referred to Committee on Appropriations.
3. March 5, reported back, passage recommended and ordered to second reading.
4. April 4, second reading, amended and ordered to third reading.

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### A BILL

For An Act to provide for renting rooms for the Appellate Court of the First District, and making an appropriation for the payment of the expenses of said court.

---

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General*

2 *Assembly,* That the judges assigned to hold the appellate court in the first district are  
3 hereby authorized to obtain a lease of the rooms now occupied for holding said court,  
4 and for the use of the officers thereof, for a term not exceeding three years from the  
5 expiration of the present lease thereof, or to rent other suitable rooms in the city of  
6 Chicago for the holding of said court, and for the use of the officers thereof, for a term  
7 not exceeding three years from the first day of June, 1879, at a rental not exceeding  
8 five thousand dollars per annum.

§ 2. For the purpose of paying the rent of said rooms, and of defraying the expenses  
2 incurred by said court, or necessarily incidental to holding thereof, the sum of four  
3 thousand dollars per annum for two years, commencing June 1, 1879, be and the same  
4 is hereby appropriated out of the State Treasury. And upon presentation of accounts  
5 for said rent and other expenses certified by the judges of said court, or a majority of  
6 them, to the Auditor of Public Accounts, the said Auditor shall draw his warrants on  
7 the State Treasury for the amount of the same, payable to the holders of such certifi-  
8 cates, out of the appropriation hereby made.

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(In House.)

1. Reported to House April 19, 1879.
2. First reading April 19, and referred to Committee on Appropriations.
3. Reported back with amendments, passage recommended, and ordered to second reading April 26.

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Amendments to Senate Bill No. 234, offered by Appropriations Committee April 26, 1879:

Amend by striking out the words, "and for the use of the officers thereof," wherever

2 they occur in first section, and insert in the eighth (8,) line of same section of written  
4 bill, after the word court, the words, "to be used for the purpose of holding court and  
6 consultation rooms only."

6 Amend second section by striking out the words "four thousand," and insert in line  
7 thereof the words, "forty-five hundred."

8 Amend same section by inserting, after the words and figures "June 1, 1879," the  
9 following, "of which amount three thousand dollars, or so much thereof as may be  
10 necessary for rent of suitable court and consultation rooms, and one thousand dollars  
11 for contingent expenses."

W. B. TAYLOR, Clerk.

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### **A BILL**

For an act to provide for renting rooms for the Appellate Court of the First District, and  
making an appropriation for the payment of the expenses of said court.

---

**SECTION 1.** *Be it enacted by the people of the State of Illinois, represented in the General*  
2 *Assembly, That the judges assigned to hold the appellate court in the first district are*

3 hereby authorized to obtain a lease of the rooms now occupied for holding said court,  
 4 and for the use of the officers thereof, for a term not exceeding three years from the  
 5 expiration of the present lease thereof, or to rent other suitable rooms in the city of  
 6 Chicago for the holding of said court, and for the use of the officers thereof, for a term  
 7 not exceeding three years from the first day of June, 1879, at a rental not exceeding  
 8 three thousand dollars per annum.

§ 2. For the purpose of paying the rent of said rooms, and of defraying the expenses  
 9 incurred by said court, or necessarily incidental to holding thereof, the sum of four  
 10 thousand dollars per annum for two years, commencing June 1, 1879, be and the same  
 11 is hereby appropriated out of the State Treasury. And upon presentation of accounts  
 12 for said rent and other expenses certified by the judges of said court, or a majority of  
 13 them, to the Auditor of Public Accounts, the said Auditor shall draw his warrants on  
 14 the State Treasurer for the amount of the same, payable to the holders of such certifi-  
 15 cates, out of the appropriation hereby made.

---

(In House.)

1. Reported to House April 19, 1879.
2. First reading April 19, and referred to Committee on Appropriations.
3. Reported back with amendments, passage recommended and ordered to second reading April 26.
4. Second reading, amended and ordered to third reading, May 8.
5. May 5, vote ordering to a third reading reconsidered, amended and again ordered to third reading.

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Amendments to Senate Bill No. 234, adopted May 9, 1879.

Amend line 5, of amendment offered by Appropriations Committee, by inserting be-  
2 fore the word "only" the words "and for clerk's office."

3 Amend line 10, of Committee amendments, by inserting the words "five hundred"  
4 after the word "thousand," and leave the word "three thousand" in line 9, same  
5 amendment, as it now is in printed bill

W. B. TAYLOR, Clerk.





1. Introduced by Mr. Riddle February 11, 1879, and ordered to first reading.
2. First reading February 11, 1879, and referred to Committee on Appropriations.
3. Reported back, passage recommended, and ordered to second reading March 4, 1879.

---

### A BILL

For an act to make an appropriation for the payment of the expenses heretofore incurred of the Appellate Court for the First District.

---

- WHEREAS, By section eighteen of an act entitled "An act to establish Appellate Courts," approved June 2, 1877, it was provided that the judges assigned to hold the Appellate Court in said First District, should rent suitable rooms in the city of Chicago, for the holding of said court and for the use of officers thereof, at a rental not exceeding five thousand dollars per annum, and to provide all necessary furniture therefor, and for the safe keeping of the records of said court, and that the accounts therefor should be certified by said court to the Auditor of Public Accounts, who should draw his warrant on the State Treasury for the amount of the same, to be paid out of the appropriation that should be made therefor; and
- WHEREAS, No appropriation was made by the last General Assembly for the payment of the expenditures so directed to be made by the judges of said court; and
- WHEREAS, The judges of said court did, in pursuance of said act, rent suitable rooms in the city of Chicago for the holding of said court, and for the use of the officers thereof, by lease, expiring June 1, 1879, and did provide necessary furniture therefor, and for the safe keeping of the records of said court; and have, in so doing, incurred for and on behalf of the State liabilities, which, together with the necessary incidental expenses of holding said court from the time of its organization up to June 1, 1879, as nearly as the same can be ascertained or estimated, amount to the sum of eight thousand and three hundred and fifty dollars; therefor

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General*

2 *Assembly, That for the purpose of paying the liabilities and expenses incurred by the*  
 3 *judges of the Appellate Court of the First District, for rent of rooms for said court and*  
 4 *for the use of the officers thereof, and for necessary furniture therefor, and for the safe*  
 5 *keeping of the records of said court, and for the other expenses necessarily incidental to*  
 6 *the holding of said court from the time of its organization to the first day of June 1879,*  
 7 *the sum of eight thousand three hundred and fifty dollars, be appropriated out of the*  
 8 *State Treasury, and that upon presentation of accounts for said liabilities and expendi-*  
 9 *tures certified by the judges of said court, or a majority of them, to the Auditor of*  
 10 *Public Accounts, the said Auditor shall draw his warrants on the State Treasury for*  
 11 *the amount of the same, payable to the holders of such certificates out of the said ap-*  
 12 *propriation hereby made.*

§ 2. WHEREAS, It is desirable that said liabilities and expenses should be paid with-  
 2 out further delay; therefore an emergency exists, and this act shall take effect and be  
 3 in force from and after its passage.

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(In House.)

1. Reported to House April 19, 1879.
2. First reading April 19, and referred to Committee on Appropriations.
3. Reported back, passage recommended, and ordered to second reading April 26.

---

## A BILL

For an act to make an appropriation for the payment of the expenses heretofore incurred of the Appellate Court for the first District.

---

- WHEREAS, By section eighteen of an act entitled "An act to establish Appellate Courts," approved June 3, 1877, it was provided that the judges assigned to hold the Appellate Court in said First District, should rent suitable rooms in the city of Chicago, for the holding of said court and for the use of officers thereof, at a rental not exceeding five thousand dollars per annum, and to provide all necessary furniture therefor, and for the safe keeping of the records of said court, and that the accounts therefor should be certified by said court to the Auditor of Public Accounts, who should draw his warrant on the State Treasury for the amount of the same, to be paid out of the appropriation that should be made therefor; and
- WHEREAS, No appropriation was made by the last General Assembly for the payment of the expenditures so directed to be made by the judges of said court; and
- WHEREAS, The judges of said court did, in pursuance of said act rent suitable rooms in the city of Chicago for the holding of said court, and for the use of the officers thereof, by lease, expiring June 1, 1879, and did provide necessary furniture therefor, and for the safe keeping of the records of said court; and have, in so doing, incurred for and on behalf of the State liabilities, which, together with the necessary incidental expenses of holding said court from the time of its organization up to June 1, 1879, as

18 nearly as the same can be ascertained or estimated, amount to the sum of eight thous-  
 19 and three hundred and fifty dollars; therefor,

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General*  
 2 *Assembly,* That for the purpose of paying the liabilities and expenses incurred by the  
 3 judges of the Appellate Court of the First District, for rent of rooms for said court and  
 4 for the use of the officers thereof, and for necessary furniture therefor, and for the safe  
 5 keeping of the records of said court, and for the other expenses necessarily incidental to  
 6 the holding of said court from the time of its organization to the first day of June 1879,  
 7 the sum of eight thousand three hundred and fifty dollars, be appropriated out of the  
 8 State Treasury, and that upon presentation of accounts for said liabilities and expendi-  
 9 tures certified by the judges of said court, or a majority of them, to the Auditor of  
 10 Public Accounts, the said Auditor shall draw his warrants on the State Treasurer for  
 11 the amount of the same, payable to the holders of such certificates out of the said ap-  
 12 propriation hereby made.

§ 2. WHEREAS, It is desirable that said liabilities and expenses should be paid with-  
 2 out further delay; therefore an emergency exists, and this act shall take effect and be  
 3 in force from and after its passage.

1. Introduced by Mr. Campbell Feb 11, 1879, and ordered to first reading.
2. First reading Feb. 11, 1879, and referred to Committee on Fees and Salaries.
3. Reported back, passage recommended and ordered to second reading March 5, 1879.

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### **A BILL**

**For An Act to provide for fees of Clerks of Probate Courts in counties of the third class.**

---

*SECTION 1. Be it enacted by the People of the State of Illinois, represented in the General*

*Assembly, That the clerks of probate courts in counties of the third class shall be entitled to receive the fees herein specified for the services mentioned, and such other fees as may be provided by law for other services not herein designated :*

*For taking proof of last will and testament, or codicil, when proved separately, and endorsing certificate of probate thereon, including all services relating thereto, seventy-five cents.*

*For entering order admitting to probate last will and testament, or codicil, fifty cents.*

*For recording last will and testament, or codicil, for every one hundred words, eight cents.*

*For filing petition and entering order for appointment of executor, administrator or guardian, fifty-five cents.*

*For taking bond of executor or administrator, and administering oath and recording bond, fifty-five cents.*

*For taking bond of guardian or conservator and recording same, fifty cents.*

- 17 For issuing and sealing letters, testamentary letters of administration, appointment
- 18 of guardian or conservator, and recording the same, seventy-five cents.
- 19 For entering order for appointment of appraisers and issuing warrant to appraisers,
- 20 seventy cents.
- 21 For taking and filing renunciation of executor or of right to administer, five cents.
- 22 For certified copies with seal of court, of letters testamentary, administration, guar-
- 23 dianship, or conservatorship, fifty cents.
- 24 For swearing to and filing affidavit of claim, twenty-five cents.
- 25 For filing and docketing each claim against estates, and for entering order allow-
- 26 ing or dismissing same, forty-five cents.
- 27 For filing and docketing each claim against estates filed after the regular term for
- 28 adjustment of claims where service of process is waived, including all services relating
- 29 thereto, to be paid by the claimant, one dollar.
- 30 For filing and docketing each claim against estates filed after the regular term for
- 31 adjustment of claims where service of process is not waived, and for issuing, docket-
- 32 ing and filing summons, including all services relating thereto, to be paid by the claim-
- 33 ant, one dollar and fifty cents.
- 34 For entering order re-instating and re-docketing claim, seventy-five cents.
- 35 For filing and docketing proof of notice, and entering order for adjustment of
- 36 claims, sixty cents.
- 37 For filing and docketing assignment of claims or judgment, twenty-five cents.
- 38 For filing inventories, appraisement bills, sales bills, awards to widow or children,
- 39 accounts of executors, administrators, guardians and conservators, and all other ex-
- 40 hibits and writings (except will and codicils), each, five cents.
- 41 For entering order approving same, forty-five cents.
- 42 For recording same, for every one hundred words, eight cents.
- 43 For filing petition for appointment of conservator, and issuing, docketing and filing
- 44 summons, eighty-five cents.
- 45 Entering order for venire, seventy-five cents.
- 46 Issuing and filing venire, fifty-five cents.
- 47 Swearing jury, fifty cents.

- 48 Recording verdict of jury and entering order of court on same, one dollar and fifty  
49 cents.
- 50 For entering order for appointment of conservator, fifty cents.
- 51 For notice of application of appointment of conservator, and filing certificate of  
52 publication, thirty five cents.
- 53 For entering order, docketing, filing and issuing citation, seventy-five cents.
- 54 For issuing and filing subpoena, twenty-five cents.
- 55 For filing petition, issuing docketing and filing summons on application for sale of  
56 real estate, seventy-five cents.
- 57 For entering order, appointing guardian *ad litem*, forty-five cents.
- 58 For entering order, appointing attorney to defend estate against claim of adminis-  
59 trator or executor, forty-five cents.
- 60 For filing petition and entering order for *delinus potestatem*, forty-five cents.
- 61 For issuing *delinus potestatem*, fifty cents.
- 62 For issuing, docketing and filing execution, fifty cents.
- 63 For entering order, approving, filing and recording appeal bond, seventy-five cents.
- 64 For entering each judgment order or decree exceeding five folios in length, for every  
65 one hundred words eight cents.
- 66 For certified copies and exemplifications of records, files and settlements, for every  
67 one hundred words eight cents.
- 68 For entering order or proof of heirship, sixty cents.
- 69 For entering order issuing and filing writ of attachment for contempt of court, one  
70 dollar.
- 71 For every certificate under seal of court issued by clerk, except as herein otherwise  
72 provided, fifty cents.
- 73 For entering all other orders of record not otherwise herein provided, for each, forty-  
74 five cents.
- 75 For entering final orders and decrees on discharge of executors, administrators,  
76 guardians or conservators, and the sureties on their bonds, on final settlements, in-  
77 cluding all services relating thereto, two dollars and ten cents.

§ 2 The clerks of probate courts shall be entitled in all cases to demand and re-



2 ceive the payment of all fees for services in advance, so far as the same can be ascer-  
3 tained.

§ 3. All acts or parts of acts in conflict with this act are hereby repealed.

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(In House.)

1. Reported to House April 26, 1879.
2. First reading April 26, and referred to Committee on Fees and Salaries.
3. Reported back, passage recommended, and ordered to second reading May 6.

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## A BILL

For an Act to provide for fees of Clerks of Probate Courts in counties of the third class.

---

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General*

2 *Assembly, That the clerks of probate courts in counties of the third class shall be enti-*  
3 *tled to receive the fees herein specified for the services mentioned, and such other fees*  
4 *as may be provided by law for other services not herein designated :*

5 *For taking proof of last will and testament, or codicil, when proved separately, and*  
6 *endorsing certificate of probate thereon, including all services relating thereto, seventy-*  
7 *five cents.*

8 *For entering order admitting to probate last will and testament, or codicil, fifty*  
9 *cents.*

10 *For recording last will and testament, or codicil, for every one hundred words, eight*  
11 *cents.*

12 *For filing petition and entering order for appointment of executor, administrator or*  
13 *guardian, fifty-five cents.*

14 *For taking bond of executor or administrator, and administering oath and recording*  
15 *bond, fifty-five cents.*

16 *For taking bond of guardian or conservator and recording same, fifty cents.*

- 17 For issuing and sealing letters, testamentary letters of administration, appointment  
18 of guardian or conservator, and recording the same, seventy-five cents.
- 19 For entering order for appointment of appraisers and issuing warrant to appraisers,  
20 seventy cents.
- 21 For taking and filing renunciation of executor or of right to administer, five cents.
- 22 For certified copies with seal of court, of letters testamentary, administration, guar-  
23 dianship, or conservatorship, fifty cents.
- 24 For swearing to and filing affidavit of claim, twenty five cents.
- 25 For filing and docketing each claim against estates, and for entering order allowing  
26 or dismissing same, forty-five cents.
- 27 For filing and docketing each claim against estates filed after the regular term for  
28 adjustment of claims where service of process is waived, including all services relating  
29 thereto, to be paid by the claimant, one dollar.
- 30 For filing and docketing each claim against estates filed after the regular term for  
31 adjustment of claims where service of process is not waived, and for issuing, docketing  
32 and filing summons, including all services relating thereto, to be paid by the claimant,  
33 one dollar and fifty cents.
- 34 For entering order reinstating and redocketing claim, seventy-five cents.
- 35 For filing and docketing proof of notice, and entering order for adjustment of claims,  
36 sixty cents.
- 37 For filing and docketing assignment of claims or judgment, twenty-five cents.
- 38 For filing inventories, appraisement bills, sales bills, awards to widow or children,  
39 accounts of executors, administrators, guardians and conservators, and all other exhibits,  
40 and writings (except will and codicils), each, five cents.
- 41 For entering order approving same, forty-five cents.
- 42 For recording same, for every one hundred words, eight cents.
- 43 For filing petition for appointment of conservator, and issuing, docketing and filing  
44 summons, eighty-five cents.
- 45 Entering order for venire, seventy-five cents.
- 46 Issuing and filing venire, fifty-five cents.
- 47 Swearing jury, fifty cents.

- 48 Recording verdict of jury and entering order of court on same, one dollar and fifty  
49 cents.
- 50 For entering order for appointment of conservator, fifty cents.
- 51 For notice of application of appointment of conservator, and filing certificate of  
52 publication, thirty-five cents.
- 53 For entering order, docketing, filing and issuing citation, seventy-five cents.
- 54 For issuing and filing subpoena, twenty-five cents.
- 55 For filing petition, issuing, docketing and filing summons on application for sale of  
56 real estate, seventy-five cents.
- 57 For entering order, appointing guardian *ad litem*, forty-five cents.
- 58 For entering order, appointing attorney to defend estate against claim of administra-  
59 tor or executor, forty-five cents.
- 60 For filing petition and entering order for *dedimus potestatem*, forty-five cents.
- 61 For issuing *dedimus potestatem*, fifty cents.
- 62 For issuing, docketing and filing execution, fifty cents.
- 63 For entering order, approving, filing and recoring appeal bond, seventy-five cents.
- 64 For entering each judgment order or decree exceeding five folios in length, for every  
65 one hundred words, eight cents.
- 66 For certified copies and exemplifications of records, files and settlements, for every  
67 one hundred words, eight cents.
- 68 For entering order or proof of heirship, sixty cents.
- 69 For entering order issuing and filing writ of attachment for contempt of court, one  
70 dollar.
- 71 For every certificate under seal of court issued by clerk, except as herein otherwise  
72 provided, fifty cents.
- 73 For entering all other orders of record not otherwise herein provided, for each, forty-  
74 five cents.
- 75 For entering final orders and decrees on discharge of executors, administrators, guar-  
76 dians or conservators, and the sureties on their bonds, on final settlements, including  
77 all services relating thereto, two dollars and ten cents.

§ 2. The clerks of probate courts shall be entitled in all cases to demand and receive the payment of all fees for services in advance, so far as the same can be ascertained.

§ 3. All acts or parts of acts in conflict with this act are hereby repealed.

1. Introduced by Mr. White February 11, 1879, and ordered to first reading.
2. First reading February 11, 1879, and referred to Committee on Finance.
3. Reported back with amendments, passage recommended by minority of committee, ordered to second reading and print with amendments and minority report.
4. Majority report recommends bill lie on table, report rejected Feb. 21, 1879.

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*To the Honorable, the President of the Senate :*

The Committee on Finance, to whom was referred Senate Bill No. 240, being a bill  
2 for an act to amend section four of an act entitled "An act in relation to the rate of  
3 interest," approved March 25, 1874, have had the same under consideration, and we,  
4 the undersigned, minority of the committee, dissent from the majority report, and  
5 recommend that the bill be amended as follows, and do pass as amended. That the  
6 word "seven" in the twelfth line of written bill be stricken out and the word "eight"  
7 inserted.

M. M. FORD,

8 M. KELLY.

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### A BILL

For an Act to amend section four of an act entitled "An act in relation to the rate of  
interest," approved March 25, A. D. 1874.

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SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General*  
2 *Assembly,* That section four of chapter seventy-four of an act to revise the law in rela-  
3 tion to the rate of interest, approved March 25, A. D. 1874, be and the same is hereby  
4 amended to read as follows :

5 In all written contracts it shall be lawful for the parties to stipulate or agree that  
6 seven per cent. per annum or any less sum of interest shall be taken and paid upon  
7 every one hundred dollars of money loaned or in any manner due and owing from any  
8 person or corporation to any other person or corporation in this State.

1. Introduced by Mr. White, February 11, 1879, and ordered to first reading.
2. First reading February 11, 1879, and referred to Committee on Finance.
3. Reported back with amendments, passage recommended by minority of committee, ordered to second reading, and print with amendments and minority report.
4. Majority report recommends bill lie on table. Report rejected February 21, 1879.
5. March 18, second reading, amended and ordered to third reading.

---

## A BILL

For an act to amend sections four and six of an act entitled "An Act to revise the law in relation to the rate of interest," approved March 25, 1874, and in force July 1, 1874, and to amend section eight of said act as amended by an act approved and in force March 3, 1875.

---

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General*

2 *Assembly.* That sections four and six of an act entitled "An Act to revise the law in  
3 relation to the rate of interest," approved March 25, 1874, and in force July 1, 1874,  
4 and section eight of said act as amended by act approved and in force March 3, 1875,  
5 be and the same are hereby amended to read, respectively, as follows:

§ 4. In all written contracts, it shall be lawful for the parties to stipulate or agree  
2 that eight per cent. per annum, or any less sum of interest, shall be taken and paid upon  
3 every one hundred dollars of money loaned, or in any manner due and owing from any  
4 person or corporation to any other person or corporation in this State.

§ 6. If any person or corporation in this State shall contract to receive a greater  
2 rate of interest or discount than eight per cent. upon any contract, verbal or written,  
3 such person or corporation shall forfeit the whole of said interest so contracted to be  
4 received, and shall be entitled, only, to recover the principal sum due to such person or  
5 corporation.

8. When any written contract, whenever payable, shall be made in this State, or



2 between citizens or corporations of this State, or a citizen or corporation of any other  
3 State, Territory or country (or shall be secured by mortgage or trust deed on lands)  
4 such contract may bear any rate of interest allowed by law to be taken or contracted  
5 for by any persons or corporations in this State, or which is or may be allowed by law  
6 on any contract for money due or owing in this State: *Provided, however,* that such  
7 rate of interest shall not exceed eight per cent. per annum; and if any such person or  
8 corporation shall contract to receive a greater rate of interest or discount than eight  
9 per cent. per annum on such contract, such person or corporation shall forfeit the whole  
10 of such interest so contracted to be received, and shall be entitled to recover only the  
11 principal sum due such person or corporation.

1. Introduced by Mr. Joslyn, February 11, 1879, and ordered to first reading.
2. First reading February 1, 1879, and referred to Committee on Railroads.
3. February 22, reported back with recommendation that it lie on the table, so ordered.
4. February 24, taken from table and ordered to second reading.

---

## A BILL

For an Act to amend an act entitled "An Act requiring compensation for causing death by wrongful act, neglect or default," approved February 12, 1853.

---

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That an act entitled "An Act requiring compensation for causing death by wrongful act, neglect or default," approved February 12, 1853, be amended so as to read as follows: Whenever the death of a person shall be caused by wrongful act, neglect or default, and the act, neglect or default is such as would, if death had not ensued, have entitled the party injured to maintain an action and recover damages in respect thereof, then and in every such case the person who, or company or corporation which would have been liable if death had not ensued shall be liable to an action for damages, notwithstanding the death of the person injured, and although the death shall have been caused under such circumstances as amount in law to felony, and the liability hereby provided for, shall extend to all persons, companies and corporations where the death shall be caused by the wrongful act, neglect or default of any agent or employee of such person, company or corporation, while engaged in discharge of his duties as such agent or employee.

§ 2. Every such action shall be brought by and in the name of the personal representatives of such deceased person, and the amount recovered in every such action shall be for the exclusive benefit of the widow and next of kin of such deceased person, and shall be distributed to such widow and next of kin, in the proportion pro-

5 vided by law in relation to the distribution of personal property left by persons dying  
6 intestate; and in every such action the jury may give such damages as they shall  
7 deem a fair and just compensation, with reference to the pecuniary injuries resulting  
8 from such death to the wife and next of kin of such deceased person; *Provided*, that  
9 every such action shall be commenced within two years after the death of such person.

1. Introduced by Mr. Hamilton Feb. 11, 1879, and ordered to first reading.
2. First reading Feb. 11, 1879, and referred to Committee on Miscellaneous.
3. Reported back, passage recommended, and ordered to second reading February 19, 1879.

## A BILL

For an Act to amend section one of an act entitled "An act to revise and consolidate the several acts relating to the protection of game, and for the protection of deer, wild fowl and birds, and to repeal certain laws," approved May 3, 1873; in force July 1, 1873, as amended by an act approved May 14, 1877; in force July 1, 1877.

*SECTION 1. Be it enacted by the people of the State of Illinois, represented in the General*

2 *Assembly,* That section one of an act entitled "An act to revise and consolidate the  
3 several acts relating to the protection of game, and for the protection of deer, wild  
4 fowl and birds, and to repeal certain laws," approved May 3, 1873; in force July 1,  
5 1873, be and the same is hereby amended so that it shall read as follows:

*SECTION 1.* It shall be unlawful for any person or persons to hunt or pursue, kill or  
2 trap, net or ensnare, destroy, or attempt to kill, trap, net, ensnare, or otherwise des-  
3 troy any woodcock between the fifteenth day of January and the first day of Septem-  
4 ber in each and every year; or any deer, fawn, wild turkey, ruffed grouse (commonly  
5 called partridge) or pheasant, between the first day of February and the first day of  
6 October in each and every year; or any wild goose, duck, snipe, brant or other water  
7 fowl, between the first day of May and the fifteenth day of August in each and every  
8 year; or any prairie hen or chicken at any time after this act shall be in force until  
9 the first day of September, A. D. 1883, and thereafter between the fifteenth day of  
10 January and the first day of September in each and every year; or any quail at any  
11 time after this act shall be in force until the first day of November, A. D. 1883, and  
12 thereafter between the first day of February and the first day of November in each and

every year: *Provided*, that it shall be unlawful for any person or persons who is or are non-residents of this State to kill, ensnare, net or trap any deer, fawn, wild turkey, prairie hen or chicken, ruffed grouse, quail, woodcock, wild goose, wild duck or brant or snipe, in any county of this State, at any time, for the purpose of selling or marketing or removing the same out of this State. Every person who violates any of the provisions of this section shall for each and every offense, be deemed guilty of a misdemeanor and on conviction shall be fined in any sum not less than five dollars (\$5) nor more than twenty-five dollars (\$25) and costs of suit for each separate bird or animal named in this section, so unlawfully hunted or pursued, killed, trapped, netted, ensnared, or destroyed, or attempted to be killed, trapped, netted, ensnared or otherwise destroyed, and shall stand committed to the county jail until such fine and costs are paid, but such imprisonment shall not exceed ten days.

1. Introduced by Mr. Hamilton Feb. 11, 1879, and ordered to first reading.
2. First reading Feb. 11, 1879, and referred to Committee on Miscellany.
3. Reported back, passage recommended, and ordered to second reading, Feb. 19, 1879.

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## A BILL

For an Act to amend section one of an act entitled "An act to revise and consolidate the several acts relating to the protection of game, and for the protection of deer, wild fowl and birds, and to repeal certain laws," approved May 2, 1873; in force July 1, 1873, as amended by an act approved May 14, 1877; in force July 1, 1877.

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SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* It shall be unlawful for any person or persons to hunt or pursue, kill or trap, net or ensnare, destroy or attempt to kill, trap, net, ensnare, or otherwise destroy any quail at any time after this act shall be in force until the first day of October, A. D. 1883. Every person who violates any of the provisions of this section shall for each and every offense be deemed guilty of a misdemeanor, and on conviction shall be fined in any sum not less than five dollars (\$5) nor more than twenty-five dollars (\$25) and costs of suit for each separate bird named in this section, so unlawfully hunted or pursued, killed, trapped, netted, ensnared or destroyed, or attempted to be killed, trapped, netted, ensnared or otherwise destroyed, and shall stand committed to the county jail until such fine and costs are paid, but such imprisonment shall not exceed ten days.



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(In House.)

1. Reported to House March 8, 1879.
  2. First reading March 22, and referred to Committee on Fish and Game.
  3. Reported back with amendments, passage recommended, and ordered to a second reading.
- 

**Amendments to Senate Bill 243, offered by Committee on Fish and Game.**

**Amend the title so that it shall read as follows: "A bill for an act for the protection**

**2 of quails and Virginia partridge."**

- 3 Amend section one (1) by striking out all after the word "Assembly," in the second**  
**4 line in the printed bill hereto attached down to the word "It" in the sixth line, also**  
**5 strike out all after the word "destroy" in the second line No. 3, down to the word**  
**6 "any" in the tenth line; also strike out the word "November" in the eleventh line and**  
**7 insert in lieu thereof the word "October," also strike out all after the figures "1883" in**  
**8 the eleventh line down to the word "every" in the seventeenth line; also strike out the**  
**9 words "or animal" in the twentieth line.**





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(In House.)

1. Reported from House March 8, 1879.
2. First reading March 22, and referred to Committee on Fish and Game.
3. Reported back with amendments, passage recommended and ordered to second reading April 5.

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## A BILL

For an act to amend section one of an act entitled "An act to revise and consolidate the several acts relating to the protection of game, and for the protection of deer, wild fowl and birds, and to repeal certain laws," approved May 3, 1873; in force July 1, 1873, as amended by an act approved May 14, 1877; in force July 1, 1877.

---

Amendments to Senate Bill 243, offered by Committee on Fish and Game.

- Amend the title so that it shall read as follows: "A bill for an act for the protection
- 2 of quails and Virginia partridge."
- 3 Amend section one (1) by striking out all after the word "Assembly," in the second
- 4 line in the printed bill hereto attached, down to the word "it" in the sixth line, also
- 5 strike out all after the word "destroy" in the second line No. 2, down to the word "any"
- 6 in the tenth line; also strike out the word "November" in the eleventh line, and insert
- 7 in lieu thereof the word "October," also strike out all after the figures "1883" in the
- 8 eleventh line down to the word "every" in the seventeenth line; also strike out the
- 9 words "or animal" in the twentieth line.

---

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General*

2 *Assembly, It shall be unlawful for any person or persons to hunt or pursue, kill or trap,*

3 net or ensnare, destroy or attempt to kill, trap, net, ensnare, or otherwise destroy any  
4 quail at any time after this act shall be in force until the first day of October, A. D.  
5 1883. Every person who violates any of the provisions of this section shall, for each  
6 and every offense be deemed guilty of a misdemeanor, and on conviction shall be fined  
7 in any sum not less than five dollars (\$5) nor more than twenty-five dollars (\$25) and  
8 costs of suit, for each separate bird named in this section, so unlawfully hunted or pur-  
9 sued, killed, trapped, netted, ensnared or destroyed, or attempted to be killed, trapped,  
10 netted, ensnared or otherwise destroyed, and shall stand committed to the county jail  
11 until such fine and costs are paid, but such imprisonment shall not exceed ten days.

- 
1. Introduced by Mr. Bash, Feb. 11, 1879, and ordered to first reading.
  2. First reading Feb. 11, 1879, and referred to Committee on Appropriations.
  3. March 7, 1879, reported back with recommendation it lie on table. Report not concurred in. On motion of Mr. Bash, ordered to second reading.
- 

### **A BILL**

For an act to appropriate nine thousand five hundred dollars for the completion of the  
Douglas Monument at Chicago.

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WHEREAS, it appears from the report of the commissioners to complete the Douglas  
2 Monument at Chicago, that said commission was compelled to remove and re build the  
3 substructure thereof, requiring an expenditure not anticipated at the time of the pas-  
4 sage of the act creating said commission, and necessitating a further appropriation ;  
5 therefore,  
6 *Be it enacted by the people of the State of Illinois, represented in the General Assembly,*  
7 That the sum of nine thousand five hundred dollars be and the same is hereby appro-  
8 priated for the completion of said monument and care of the monument grounds; and  
9 the Auditor of Public Accounts is hereby authorized and directed to draw his warrant  
10 on the State Treasury for said amount, out of money not otherwise appropriated, upon  
11 the certificate of a majority of the said commissioners, from time to time as the same  
12 may be needed.



1. Introduced by Mr. McClellan from Committee on Revenue, February 12, 1879 and ordered to first reading.
2. First reading February 13, 1879, and ordered to second reading.

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## A BILL

For an act to amend Sections one hundred (100) and one hundred and sixteen (116) of an act entitled "An act for the assessment of property, and for the levy and collection of taxes," approved March 30, 1872; in force July 1, 1872, and to repeal Sections one hundred and one (101) and one hundred and two (102) of said act.

---

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Sections one hundred (100) and one hundred and sixteen (116) of an act entitled "An act for the assessment of property and for the levy and collection of taxes," approved March 30, 1872; in force July 1, 1872, be and the same are hereby amended so as to read as follows:

"SECTION 100. The State Board of Equalization shall, at the expiration of the term of office of the members now forming said Board, consist of the Auditor of Public Accounts, the State Treasurer and the Attorney-General.

SECTION 116. The Secretary of State shall furnish such printing, fuel, lights and rooms as may be necessary for the transaction of the business of said Board, and said Board shall be allowed the amount of its actual expenses for Secretary and Clerk hire, but such amount shall not, in the aggregate, exceed the sum of one thousand dollars per annum."

§ 2. Sections one hundred and one (101) and one hundred and two (102) of the act hereinabove specified, be and the same are hereby repealed.



1. Introduced by Mr. McClellan February 12, 1879, and ordered to first reading.
2. First reading February 13, 1879, and referred to Committee on Judiciary.
3. Reported back, passage recommended, and ordered to second reading February 21, 1879.

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## A BILL

For an Act to provide for the visitation and examination of the State Institutions.

---

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That at each session of the General Assembly three committees shall be appointed, one of which shall visit the State Charitable Institutions, one shall visit the Penal and Reformatory Institutions, and one shall visit the Educational Institutions of this State. Each committee shall consist of not less than three, nor more than five members of the General Assembly. It shall be the duty of said committees respectively to visit the said several State Institutions, to make a careful and thorough examination of their condition to investigate any charges made to them regarding their management, for which purpose they shall have power to take testimony under oath, and to send for persons and papers, and to make report of such visitation and examination to the General Assembly.

§ 2. The members of such committees shall also report their actual expenses incurred in the discharge of their said duties, and the same shall be allowed and paid, but no committees or members of committees of the General Assembly shall receive any pay for services rendered, or for expenses incurred in visiting said State Institutions, otherwise than as provided by this act.





1. Introduced by Mr. McClellan February 12, 1879, and ordered to first reading.
2. First reading February 13, 1879, and referred to Committee on Judiciary.
3. Reported back, passage recommended, and ordered to second reading February 21, 1879.
4. March 19, second reading and ordered to third reading.

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## A BILL

For an act to provide for the visitation and examination of the State Institutions.

---

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That at each session of the General Assembly three committees shall be appointed, one of which shall visit the State Charitable Institutions, one shall visit the Penal and Reformatory Institutions, and one shall visit the Educational Institutions of this State. Each committee shall consist of five members of the General Assembly; two from the Senate and three from the House of Representatives, to be appointed in the same manner as the members of the other standing committees are appointed. It shall be the duty of said committees, respectively, to visit the said several State Institutions, to make a careful and thorough examination of their condition, to investigate any charges made to them regarding their management, for which purpose they shall have power to take testimony under oath, and to send for persons and papers, and to make report of such visitation and examination to the General Assembly.*

§ 2. The members of such committees shall also report their actual expenses incurred in the discharge of their said duties, and the same shall be allowed and paid, but no committees or members of committees of the General Assembly shall receive any pay for services rendered, or for expenses incurred in visiting said State Institutions, otherwise than as provided by this act.



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(In House.)

1. Reported to House April 25, 1879.
2. First reading April 28, and referred to Committee on Retrenchment.
3. Reported back, passage recommended, and ordered to second reading April 30.

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## A BILL

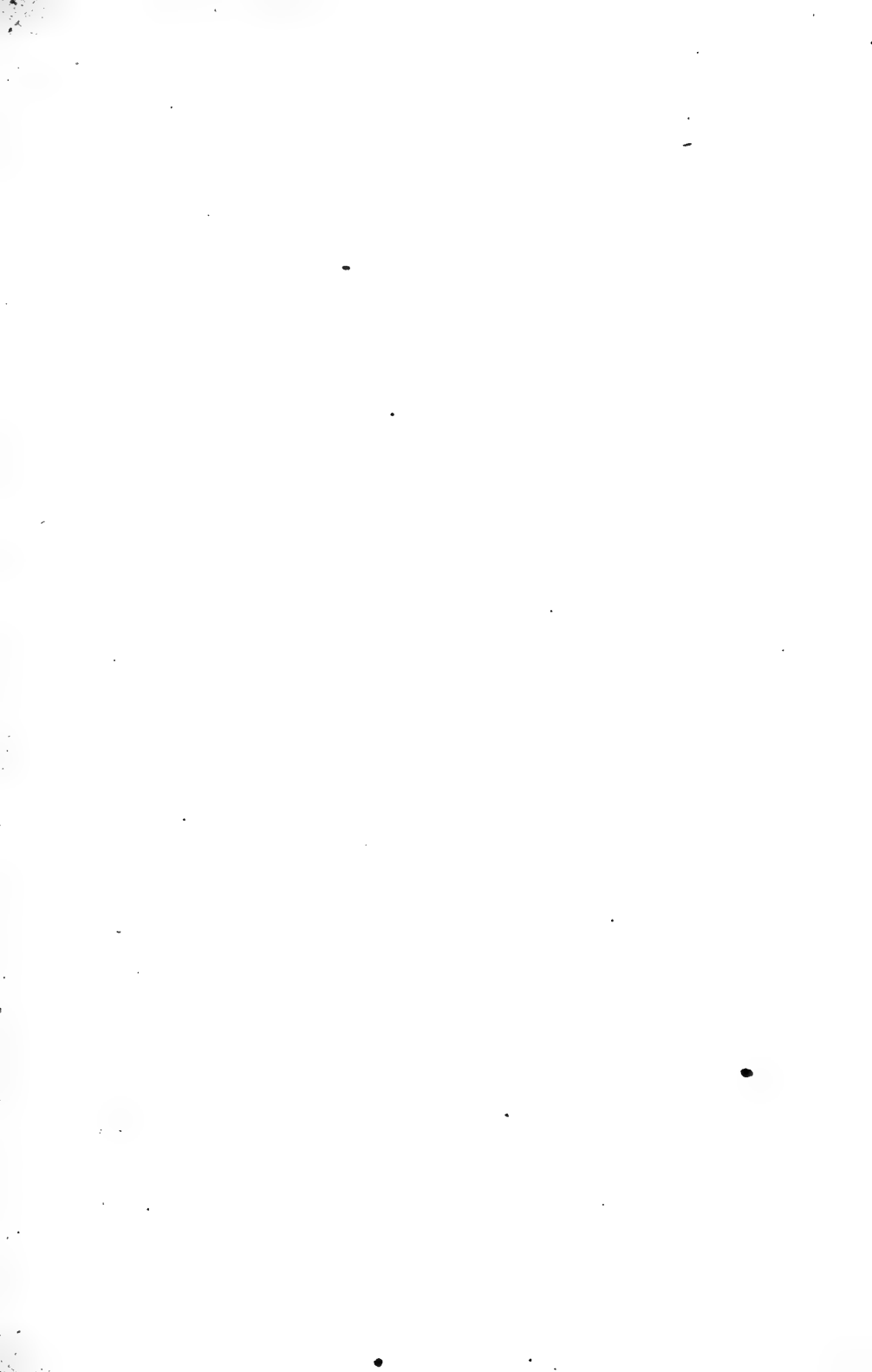
For an act to provide for the visitation and examination of the State Institutions.

---

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General*

*Assembly, That at each session of the General Assembly three committees shall be appointed, one of which shall visit the State Charitable Institutions, one shall visit the Penal and Reformatory Institutions, and one shall visit the Educational Institutions of this State. Each committee shall consist of five members of the General Assembly; two from the Senate and three from the House of Representatives, to be appointed in the same manner as the members of the other standing committees are appointed. It shall be the duty of said committees, respectively, to visit the said several State Institutions, to make a careful and thorough examination of their condition, to investigate any charges made to them regarding their management, for which purpose they shall have power to take testimony under oath, and to send for persons and papers, and to make report of such visitation and examination to the General Assembly.*

§ 2. *The members of such committees shall also report their actual expenses incurred in the discharge of their said duties, and the same shall be allowed and paid, but no committees or members of committees of the General Assembly shall receive any pay for services rendered, or for expenses incurred in visiting said State Institutions, otherwise than as provided by this act.*



---

(In House.)

1. Reported to House April 25, 1879.
2. First reading April 28, and referred to Committee on Retrenchment.
3. Reported back, passage recommended, and ordered to second reading April 30.
4. Second reading, amended and ordered to third reading May 8.

---

**Amendments to Senate Bill No. 248, adopted May 8, 1879.**

Amend section one by striking out the word "five," in line five, and inserting the

2 word "seven."

3 Amend section one by striking out the word "three," in line six, and inserting the

4 word "five."

**W. B. TAYLOR, Clerk;**



1. Introduced by Mr. Hamilton February 12, 1879, and ordered to first reading.
  2. First reading February 13, 1879, and referred to Committee on State Charitable Institutions.
  3. March 6, 1879, reported back with amendments, passage recommended and referred to Committee on Appropriations.
  4. March 14, 1879, reported back with amendments, passage recommended and ordered to second reading.
- 

Amendments to Senate Bill No. 249, reported from the Committee on State Charitable Institutions, and Committee on Appropriations.

Amend item for ordinary and incidental expenses, by substituting for words "forty-

- 2 five thousand dollars (\$45,000)" the words "thirty-nine thousand dollars (\$39,000)."
- 

## A BILL

For an act to make Appropriations for the Illinois Soldiers' Orphans' Home, and to maintain said Institution for the next two years.

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- SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General*
- 2 *Assembly, That from and after the first day of July, A. D. 1879, until the expiration of*
- 3 *the first fiscal quarter, after the adjournment of the next regular session of the General*
- 4 *Assembly, there is hereby appropriated to the Soldiers' Orphans' Home the sum of*
- 5 *forty-five thousand dollars (\$45,000) per annum, payable quarterly in advance, for the*
- 6 *ordinary and incidental expenses of said institution.*
- § 2. And there is further appropriated to the said institution, for the following pur-



2 poses, viz: For necessary improvements and repairs, three thousand dollars (\$3,000);  
3 and for the necessary sewerage of the Home building, five hundred dollars (\$500.)

§ 3. The Auditor of Public Accounts is hereby authorized and directed to draw his  
2 warrant upon the State Treasurer for the amounts herein appropriated, upon the order  
3 of the Board of Trustees, signed by the president and attested by the secretary, with  
4 the seal of the institution, subject to the provisions of sections eighteen (18), nineteen  
5 (19), and twenty (20) of an act to regulate the State institutions, etc., approved April  
6 15, 1875.

1. Introduced by Mr. Hamilton February 12, 1879, and ordered to first reading.
2. First reading February 13, and referred to Committee on State Charitable Institutions.
3. March 6, reported back with amendments, passage recommended and referred to Committee on Appropriations.
4. March 14, reported back with amendments, passage recommended and ordered to second reading.
5. April 8, second reading, amended and ordered to third reading.

---

### **A BILL**

For an Act to make appropriations for the Illinois Soldiers' Orphans' Home, and to maintain said Institution for the next two years.

---

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly, That from and after the first day of July, A. D. 1879, until the expiration of the first fiscal quarter, after the adjournment of the next regular session of the General Assembly, there is hereby appropriated to the Soldiers' Orphans' Home the sum of forty-one thousand dollars (\$41,000) per annum, payable quarterly in advance, for the ordinary and incidental expenses of said institution.*

§ 2. And there is further appropriated to the said institution, for the following purposes, viz: For necessary improvements and repairs, three thousand dollars (\$3,000); and for the necessary sewerage of the Home building, five hundred dollars (\$500).

§ 3. The Auditor of Public Accounts is hereby authorized and directed to draw his warrant upon the State Treasurer for the amounts herein appropriated, upon the order of the board of trustees, signed by the president and attested by the secretary with the seal of the institution, subject to the provisions of sections eighteen (18), nineteen (19), and twenty (20) of an act to regulate the State institutions, etc., approved April 15, 1876.



(In House.)

1. Reported to House April 19, 1879.
2. First reading April 19, and referred to Committee on Appropriations.
3. Reported back, passage recommended, and ordered to second reading, May 1.

---

## A BILL

For an act to make appropriations for the Illinois Soldiers' Orphans' Home, and to maintain said Institution for the next two years.

---

**SECTION 1.** *Be it enacted by the people of the State of Illinois, represented in the General*

2 *Assembly, That from and after the first day of July, A. D. 1879, until the expiration of*  
3 *the first fiscal quarter after the adjournment of the next regular session of the General*  
4 *Assembly, there is hereby appropriated to the Soldiers' Orphans' Home the sum of forty-*  
5 *one thousand dollars (\$41,000) per annum, payable quarterly in advance, for the ordi-*  
6 *nary and incidental expenses of said institution.*

§ 2. And there is further appropriated to the said institution, for the following pur-  
2 poses, viz: For necessary improvements and repairs, three thousand dollars (\$3000),  
3 and for the necessary sewerage of the Home building, five hundred dollars (\$500).

§ 3. The Auditor of Public Accounts is hereby authorized and directed to draw his  
2 warrant upon the State Treasurer for the amounts herein appropriated, upon the order  
3 of the board of trustees, signed by the president and attested by the secretary with the  
4 seal of the institution, subject to the provisions of sections eighteen (18), nineteen (19)  
5 and twenty (20) of an act to regulate the State institutions, etc., approved April 15,  
6 1875.



---

(In House.)

1. Reported from House April 19, 1879.
2. First reading April 19, and referred to Committee on Appropriations.
3. Reported back, passage recommended and ordered to second reading May 1.
4. Second reading, amended and ordered to third reading May 15.

---

Amendment to Senate Bill No 249, offered and adopted May 15, 1879.

Amend section 1, lines 4 and 5, by striking out the words and figures "forty-one  
2 thousand (\$41,000)," and insert "thirty-nine thousand seven hundred and fifty (39,750)."

---

### **A BILL**

For an Act to make appropriation for the Illinois Soldiers' Orphans Home, and to maintain  
said Institution for the next two years.

---

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General  
2 Assembly, That from and after the first day of July, A. D. 1879, until the expiration of  
3 the first fiscal quarter after the adjournment of the next regular session of the General  
4 Assembly, there is hereby appropriated to the Soldiers' Orphans Home the sum of forty-  
5 one thousand dollars (\$41,000) per annum, payable quarterly in advance, for the ordi-  
6 nary and incidental expenses of said institution.*

§ 2. And there is further appropriated to the said institution, for the following pur-  
2 poses, viz: For necessary improvements and repairs, three thousand dollars (\$3,000),  
3 and for the necessary sewerage of the Home building, five hundred dollars (\$500).

§ 3. The Auditor of Public Accounts is hereby authorized and directed to draw his  
warrant upon the State Treasurer for the amounts herein appropriated, upon the order  
of the board of trustees, signed by the president and attested by the secretary, with the  
seal of the institution, subject to the provisions of sections eighteen (18), nineteen (19)  
and twenty (20) of an act to regulate the State institutions, etc., approved April 15, 1875.

1. Introduced by Mr. Hamilton February 12, 1879, and ordered to first reading.
2. First reading February 13, 1879, and referred to Committee on Miscellany.
3. March 10, reported back, with recommendation it be ordered to a second reading. So ordered.

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### A BILL

For an Act to amend section two of an act entitled "An Act to provide for the licensing of and against the evils arising from the sale of Intoxicating Liquors," approved March 30, 1874; as amended by an act approved May 18, 1877; in force July 1, 1877.

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SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That section two of an act entitled "An Act to provide for the licensing of and against the evils arising from the sale of Intoxicating Liquors," approved March 30, 1874; as amended by an act approved May 18, 1877; in force July 1, 1877, be and the same is hereby amended to read as follows:

SECTION 2. Whoever, not having a license to keep a dram shop, shall, by himself or another, either as principal, clerk or servant, directly or indirectly, sell any intoxicating liquor in any less quantity than one gallon, or in any quantity to be drunk upon the premises, or in or upon any adjacent room, building, yard, premises or place of public resort, shall be fined not less than twenty dollars, nor more than one hundred dollars, or imprisoned in the county jail not less than ten, nor more than thirty days, or both, in the discretion of the court: *Provided*, that cities, villages and towns may by ordinance prohibit the sale of intoxicating liquors in any quantity, under such penalties as may be prescribed in such ordinance.





- 
1. Introduced by Mr. White Feb. 12, 1879, and ordered to first reading.
  2. First reading Feb. 13, 1879, and referred to Committee on Municipalities.
  3. Reported back, passage recommended, and ordered to second reading, March 6.

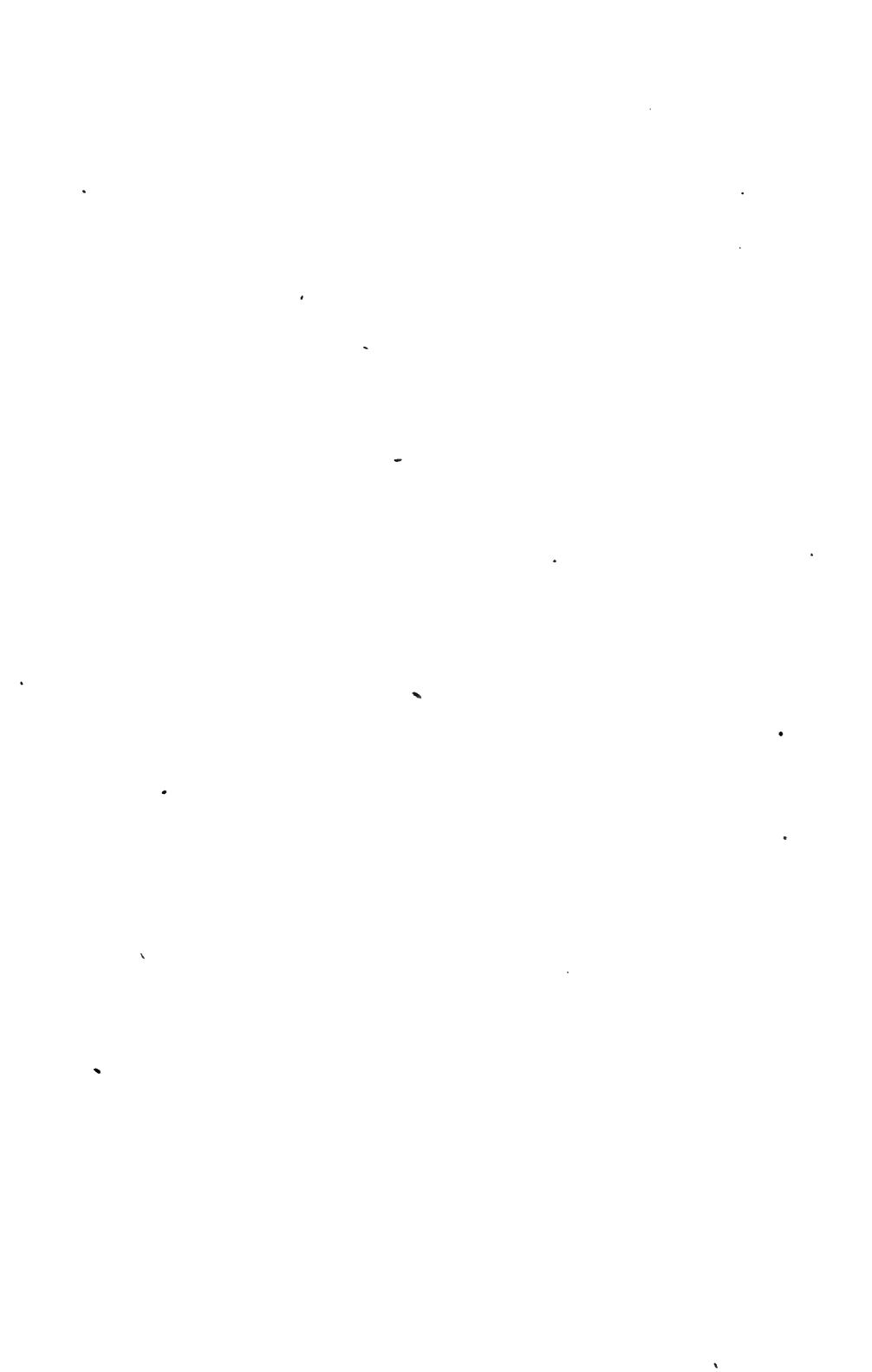
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**A BILL**

For an act to compel gas companies to pay interest on deposits made by parties at the request of such companies.

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SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General*  
2 *Assembly, That all gas companies, persons or associations engaged in manufacturing*  
3 *gas for public or private use in this State, who shall require any person, corporation or*  
4 *association of persons to deposit any sum or sums of money with such gas company,*  
5 *person or association so furnishing gas, for any purpose whatever, such company, per-*  
6 *son or association with whom such money may be deposited shall pay to the party*  
7 *making such deposit annually interest on such deposits at the rate of five per cent. per*  
8 *annum.*



---

(In House.)

1. Reported to House May 4, 1879.
2. First reading May 4, and referred to Committee on Judicial Department.
3. Reported back, passage recommended and ordered to second reading May 15.

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## A BILL

For an Act to compel Gas Companies to pay interest on deposits made by parties at the request of such companies.

---

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General*  
2 *Assembly,* That all gas companies, persons or associations engaged in manufacturing  
3 gas for public or private use in this State, who shall require any person, corporation or  
4 association of persons to deposit any sum or sums of money with such gas company,  
5 person or association so furnishing gas, for any purpose whatever, such company, per-  
6 son or association with whom such money may be deposited shall pay to the party  
7 making such deposit, annually, interest on such deposits, at the rate of five (5) per cent  
8 per annum.



1. Introduced by Mr. Munn, February 12, 1879, and ordered to first reading.
2. First reading February 13, 1879, and referred to Committee on Warehouses.
3. Reported back, passage recommended, and ordered to second reading March 6, 1879.

---

## A BILL

For an act to amend paragraphs one and four of section fourteen of an act entitled "An act to regulate public warehouses, and the warehousing and inspection of grain, and to give effect to article thirteen of the constitution of this State," approved April 25, 1871; in force July 1, 1871.

---

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General*

2 *Assembly, That paragraphs one and four of section fourteen of an act entitled "An act*  
3 *to regulate public warehouses, and the warehousing and inspection of grain, and to*  
4 *give effect to article thirteen of the constitution of this State," approved April 25, 1871;*  
5 *in force July 1, 1871, be and the same are amended to read as follows:*

§ 1, ¶ 1. It shall be the duty of the Governor to appoint, by and with the advice  
[2 and consent of the Senate, a suitable person, who shall not be a member of the board of  
3 trade, and who shall not be interested, either directly or indirectly, in any warehouse  
4 in this State, a chief inspector of grain, who shall hold his office for the term of two  
5 years, unless sooner removed as hereinafter provided, for every city in which is located  
6 a warehouse of class A or class B: *Provided, That no such grain inspector for cities in*  
7 *which are located warehouses of class B, shall be appointed, except upon the applica-*  
8 *tion and petition of two or more warehousemen residing and doing business in such*  
9 *city.*

¶ 4. The chief inspector shall, upon entering upon the duties of his office, be re-  
quired to take an oath, as in cases of other officers, and he shall execute a bond to the  
People of the State of Illinois, in the penal sum of fifty thousand dollars, when appoint-  
ed for any city in which is located a warehouse of class A, and ten thousand dollars  
when appointed for any other city, with sureties to be approved by the board of com-  
missioners of railroads and warehouses, with a condition therein that he will faithfully  
and strictly discharge the duties of his said office of inspector, according to law, and  
the rules and regulations prescribing his duties; and that he will pay all damages to  
any person or persons who may be injured by reason of his neglect, refusal or failure  
to comply with law, and the rules and regulations aforesaid.

- 
1. Introduced by Mr. Munn, February 12, 1879, and ordered to first reading.
  2. First reading February 13, 1879, and referred to Committee on Warehouses.
  3. Reported back, passage recommended, and ordered to second reading March 6, 1879.
  4. April 2, second reading, amended.
  5. April 3, amended and ordered to third reading.

---

## A BILL

For an Act to amend section fourteen (14) of an act entitled "An act to regulate public warehouses, and the warehousing and inspection of grain, and to give effect to article thirteen of the constitution of this state," approved April 25, 1871; in force July 1, 1871.

---

**SECTION 1.** *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That section fourteen (14) of an act entitled "An act to regulate public warehouses, and the warehousing and inspection of grain, and to give effect to article thirteen of the constitution of this state," approved April 25, 1871, in force July 1, 1871, be and the same is hereby amended to read as follows:

§ 1, ¶ 1. It shall be the duty of the Governor to appoint by and with the advice and consent of the Senate, a suitable person, who shall not be a member of the board of trade, and who shall not be interested, either directly or indirectly, in any warehouse in this State, a chief inspector of grain, who shall hold his office for the term of two years, unless sooner removed as hereinafter provided, for every city in which is located a warehouse of class A or class B: *Provided*, that no such grain inspector for cities or counties in which are located warehouses of class B, shall be appointed, except upon the application and petition of two or more warehousemen residing and doing business



9 in such city or county, and when there shall be a legally organized board of trade in  
 10 such cities or counties, such application and petition shall be officially endorsed by such  
 11 board of trade before such application and petition shall be granted.

¶ 2. It shall be the duty of such chief inspector of grain to have a general supervi-  
 2 sion of the inspection of grain, as required by this act or laws of this State, under the  
 3 advice and immediate direction of the Board of Commissioners of Railroads and Ware-  
 4 houses.

¶ 3. The said chief inspector shall be authorized to nominate to the Commissioners  
 2 of Railroads and Warehouses such suitable persons, in sufficient numbers, as may be  
 3 deemed qualified for assistant inspectors, who shall not be members of the board of  
 4 trade, nor interested in any warehouse, and also, such other employes as may be neces-  
 5 sary to properly conduct the business of his office, and the said commissioners are au-  
 6 thorized to make such appointments.

¶ 4. The chief inspector shall, upon entering upon the duties of his office, be re-  
 2 quired to take an oath, as in cases of other officers, and he shall execute a bond to the  
 3 people of the State of Illinois, in the penal sum of fifty thousand dollars, when appoint-  
 4 ed for any city in which is located a warehouse of class A, and ten thousand dollars  
 5 when appointed for any other city, with sureties to be approved by the board  
 6 of commissioners of railroads and warehouses, with a condition therein that he will  
 7 faithfully and strictly discharge the duties of his said office of inspector, according to  
 8 law, and the rules and regulations prescribing his duties; and that he will pay all  
 9 damages to any person or persons who may be injured by reason of his neglect, refusal  
 10 or failure to comply with law, and the rules and regulations aforesaid.

¶ 5. And each assistant inspector shall take a like oath, execute a bond in the pe-  
 2 nal sum of five thousand dollars, and like conditions, and to be approved in like man-  
 3 ner as is provided in case of the chief inspector, which said several bonds shall be filed  
 4 in the office of said commissioner, and suit may be brought upon said bond or bonds in  
 5 any court having jurisdiction thereof, in the county where the plaintiff or defendant  
 6 resides, for the use of the person or persons injured.

¶ 6. The chief inspector of grain and all assistant inspectors of grain and other  
 2 employes in connection therewith, shall be governed in their respective duties by such  
 3 rules and regulations as may be prescribed by the Board of Commissioners of Railroads

4 and Warehouses, and the said board of commissioners shall have full power to make  
 5 all proper rules and regulations for the inspection of grain, and shall also have power  
 6 to fix the rate of charges for the inspection of grain and the manner in which the  
 7 same shall be collected, which charges shall be regulated in such a manner as will, in  
 8 the judgment of the commissioners, produce sufficient revenue to meet the necessary  
 9 expenses of the service of inspection, and no more.

¶ 7. It shall be the duty of the said board of commissioners to fix the amount of  
 2 compensation to be paid the chief inspector, assistant inspectors and all other persons  
 3 employed in the inspection service, and describe the time and manner of their pay-  
 4 ment.

¶ 8. The said Board of Commissioners of Railroads and Warehouses are hereby au-  
 2 thorized to appoint a suitable person as warehouse register, and such assistants as may  
 3 be deemed necessary to perform the duties imposed upon such register by the provisions  
 4 of this act.

¶ 9. The said board of commissioners shall have and exercise a general supervision  
 2 and control of such appointees, shall prescribe their respective duties, shall fix the  
 3 amount of their compensation and the time and manner of its payment.

¶ 10. Upon the complaint in writing of any person to the said board of commis-  
 2 sioners, supported by reasonable and satisfactory proof, that any person appointed or  
 3 employed under the provisions of this section has violated any of the rules prescribed  
 4 for his government, has been guilty of any improper official act, or has been found in-  
 5 sufficient or incompetent for the duties of his position, such person shall be immediately  
 6 removed from his office or employment by the same authority that appointed him, and  
 7 his place shall be filled if necessary by a new appointment; or, in case it shall be deem-  
 8 ed necessary to reduce the number of persons so appointed or employed, their term of  
 9 service shall cease under the orders of the same authority by which they were appoint-  
 10 ed or employed.

¶ 11. All necessary expenses incident to the inspection of grain and to the office of  
 2 register economically administered, including the rest of suitable officers, shall be  
 3 deemed expenses of the inspection service, and shall be included in the estimate of ex-  
 4 penses of such inspection service, and shall be paid from the funds collected for the  
 5 same.

§ 2. Inasmuch as there now is a large quantity of grain in warehouses of Class B,  
2 which can have no legal inspection, an emergency exists; therefore, this act shall be  
3 in force from and after its passage.

1. Reported to House April 16, 1879.
2. First Reading April 19, 1879, and referred to Committee on Warehouses.
3. Reported back with Amendments. Passage Recommended, as amended and ordered to Second Reading, May 5, 1879.

Amendment to Senate Bill 253 offered by Committee on Warehouses, May 5th, 1879.

Amend by inserting after the word "Warehousemen," in the 8th line on page 2,

2. the following words: "doing a separate and distinct business"

## A BILL

For an Act to amend section fourteen (14) of an act entitled "An act to regulate public warehouses, and the warehousing and inspection of grain, and to give effect to article thirteen (13) of the constitution of this state," approved April 25, 1871: in force July 1, 1871.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the*  
2 *General Assembly,* That section fourteen (14) of an act entitled "An act to regulate  
3 public warehouses, and the warehousing and inspection of grain, and to give effect  
4 to article thirteen (13) of the constitution of this state," approved April 25, 1871, in  
5 force July 1, 1871, be and the same is hereby amended to read as follows:

§ 1, ¶ 1. It shall be the duty of the Governor to appoint by and with the advice  
2 and consent of the Senate, a suitable person, who shall not be a member of the board  
3 of trade, and who shall not be interested, either directly or indirectly, in any ware

house in this State, a chief inspector of grain, who shall hold his office for the term of two years, unless sooner removed as hereinafter provided, for every city in which is located a warehouse of class A or class B: *Provided*, that no such grain inspector for cities or counties in which are located warehouses of class B, shall be appointed, except upon the application and petition of two or more warehousemen residing and doing business in such city or county, and when there shall be a legally organized board of trade in such cities or counties, such application and petition shall be officially endorsed by such board of trade before such application and petition shall be granted.

§ 2. It shall be the duty of such chief inspector of grain to have a general supervision of the inspection of grain, as required by this act or laws of this State, under the advice and immediate direction of the Board of Commissioners of Railroads and Warehouses.

§ 3. The said chief inspector shall be authorized to nominate to the Commissioners of Railroads and Warehouses such suitable persons, in sufficient number, as may be deemed qualified for assistant inspectors, who shall not be members of the board of trade, nor interested in any warehouse, and also, such other employees as may be necessary to properly conduct the business of his office, and the said commissioners are authorized to make such appointments.

§ 4. The chief inspector shall, upon entering upon the duties of his office, be required to take an oath, as in cases of other officers, and he shall execute a bond to the people of the State of Illinois, in the penal sum of fifty thousand dollars, when appointed for any city in which is located a warehouse of class A, and ten thousand dollars when appointed for any other city or county with sureties to be approved by the board of commissioners of railroads and warehouses, with a condition therein that he will faithfully and strictly discharge the duties of his said office of inspector, according to law, and the rules and regulations prescribing his duties; and that he will pay all damages to any person or persons who may be injured by reason of his

neglect, refusal or failure to comply with law, and the rules and regulations afore-  
said.

¶ 5. And each assistant inspector shall take a like oath, execute a bond in the  
penal sum of five thousand dollars, with like conditions, and to be approved in like  
manner as is provided in case of the chief inspector, which said several bonds shall  
be filed in the office of said commissioner, and suit may be brought upon said bond  
or bonds in any court having jurisdiction thereof, in the county where the plaintiff  
or defendant resides, for the use of the person or persons injured.

¶ 6. The chief inspector of grain and all assistant inspectors of grain and other  
employees in connection therewith, shall be governed in their respective duties by such  
rules and regulations as may be prescribed by the board of commissioners of railroads  
and warehouses, and the said board of commissioners shall have full power to make  
all proper rules and regulations for the inspection of grain, and shall also have pow-  
er to fix the rate of charges for the inspection of grain and the manner in which the  
same shall be collected, which charges shall be regulated in such a manner as will  
in the judgment of the commissioners, produce sufficient revenue to meet the neces-  
sary expenses of the service of inspection, and no more.

¶ 7. It shall be the duty of the said board of commissioners to fix the amount of  
compensation to be paid the chief inspector, assistant inspectors and all other persons  
employed in the inspection service, and describe the time and manner of their pay-  
ment.

¶ 8. The said Board of Commissioners of Railroads and Warehouses are hereby  
authorized to appoint a suitable person as warehouse register, and such assistants as  
may be deemed necessary to perform the duties imposed upon such register by the  
provisions of this act.

¶ 9. The said board of commissioners shall have and exercise a general super-  
vision and control of such appointees, shall prescribe their respective duties, shall  
fix the amount of their compensation and the time and manner of its payment.

¶ 10. Upon the complaint in writing of any person to the said board of commis-

2 sioners, supported by reasonable and satisfactory proof, that any person appointed  
 3 or employed under the provisions of this section has violated any of the rules pre-  
 4 scribed for his government, has been guilty of any improper official act, or has been  
 5 found insufficient or incompetent for the duties of his position, such person shall be  
 6 immediately removed from his office or employment by the same authority that ap-  
 7 pointed him, and his place shall be filled if necessary by a new appointment; or, in  
 8 case it shall be deemed necessary to reduce the number of persons so appointed or  
 9 employed, their term of service shall cease under the orders of the same authority by  
 10 which they were appointed or employed.

¶ 11. All necessary expenses incident to the inspection of grain and to the office  
 2 of register economically administered, including the rent of suitable offices, shall be  
 3 deemed expenses of the inspection service, and shall be included in the estimate of  
 4 expenses of such inspection service, and shall be paid from the funds collected for  
 5 the same.

§ 2. Inasmuch as there now is a large quantity of grain in warehouses of Class B,  
 2 which can have no legal inspection, an emergency exists; therefore, this act shall be  
 4 in force from and after its passage.

1. Introduced by Mr. Fuller February 12, 1879, and ordered to first reading.
2. First reading February 13, 1879, and referred to Committee on Agriculture and Drainage.
3. Reported back with amendment, passage recommended and ordered to second reading February 25, 1879.

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Amendment to Senate Bill No. 255.

Amend by striking out the "proviso."

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## A BILL

For an act to prevent frauds in the manufacture and sale of butter and cheese.

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SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That whoever manufactures, sells, or offers for sale, or causes the same to be done, any substance purporting to be butter or cheese, or having the semblance of butter or cheese, which substance is not made wholly from pure cream or pure milk, unless the same be manufactured under its true and appropriate name, and unless each package, roll or parcel of such substance, and each vessel containing one or more packages of such substance, have distinctly and durably painted, stamped or worked thereon, the true and appropriate name of such substance, in ordinary bold faced capital letters, not less than five lines pica, shall be punished as provided in section three of this act.

§ 2. Whoever shall sell any such substance as is mentioned in section one of this act, to consumers, or cause the same to be done, without delivering with each package, roll, or parcel so sold, a label on which is plainly and legibly printed, in Roman letters,



the true and appropriate name of such substance, shall be punished, as is provided in section three of this act.

§ 3. Whoever knowingly violates section one or section two of this act, shall be fined in any sum not less than ten nor more than three hundred dollars, or imprisoned in the county jail not less than ten nor more than ninety days, or both, in the discretion of the court: *Provided*, that nothing contained in this act shall be construed to prevent the use of skimmed milk, salt rennet, or harmless coloring matter, in the manufacture of butter or cheese.

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(In House.)

1. Reported to House April 25, 1879.
2. First reading April 28, and ordered to second reading.

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## ▲ BILL

For an act to prevent frauds in the manufacture and sale of butter and cheese.

---

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That whoever manufactures, sells, or offers for sale, or causes the same to be done, any substance purporting to be butter or cheese, or having the semblance of butter or cheese, which substance is not made wholly from pure cream or pure milk, unless the same be manufactured under its true and appropriate name, and unless each package, roll or parcel of such substance, and each vessel containing one or more packages of such substance, have distinctly and durably painted, stamped or worked thereon, the true and appropriate name of such substance, in ordinary bold faced capital letters, not less than five lines pica, shall be punished as provided in section three of this act.

§ 2. Whoever shall sell any such substance as is mentioned in section one of this act, to consumers, or cause the same to be done, without delivering with each package, roll, or parcel so sold, a label on which is plainly and legibly printed, in Roman letters, the true and appropriate name of such substance, shall be punished, as is provided in section three of this act.

§ 3. Whoever knowingly violates section one or section two of this act, shall be fined in any sum not less than ten nor more than three hundred dollars, or imprisoned

3 in the county jail not less than ten nor more than ninety days, or both, in the discre-  
4 tion of the court: *Provided*, that nothing contained in this act shall be construed to pre-  
5 vent the use of skimmed milk, salt rennet, or harmless coloring matter, in the manufac-  
6 ture of butter or cheese.

1. Introduced by Mr. Wilson Feb. 12, 1879, and ordered to first reading.
2. First reading Feb. 13, 1879, and referred to Committee on Counties and Township Organization.
3. Reported back, passage recommended and ordered to second reading February 21, 1879.

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## A BILL

For an act to amend section fifty-nine (59) and sixty (60) of an act entitled "An Act to revise the law in relation to Counties," approved and in force March 31, 1874.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly, That sections fifty-nine (59) and sixty (60) of an act entitled "An Act to revise the law in relation to counties," approved and in force March 31, 1874, be and the same are hereby amended so as to read as follows:*

"SECTION 59. The county of Cook shall be divided into six districts for the election of county commissioners, and shall be entitled to elect such commissioners in the respective districts as follows:

4 *First.* The towns of South Chicago, North Chicago and West Chicago shall constitute the first district, and shall, on the first Tuesday after the first Monday in November, in the year 1879, and every year thereafter, elect ten commissioners.

7 *Second.* The towns of Lake View, Jefferson, Norwood Park, Niles, Evanston, New Trier, and Northfield shall constitute the second district, and on the first Tuesday after the first Monday of November, in the year 1879, and every year thereafter, shall elect one commissioner.

11 *Third.* The towns of Wheeling, Maine, Elk Grove, Schaumburg, Paletine, Barrington and Hanover shall constitute the third district, and on the first Tuesday after

13 the first Monday of November, in the year 1879, and every year thereafter, shall elect  
 14 one commissioner.

15 *Fourth.* The towns of Leyden, Proviso, Lyons, Cicero, Riverside and Lake shall  
 16 constitute the fourth district, and on the first Tuesday after the first Monday of Novem-  
 17 ber, in the year 1879, and every year thereafter, shall elect one commissioner.

18 *Fifth.* The towns of Hyde Park, Calumet, Worth and Thornton shall constitute the  
 19 fifth district, and on the first Tuesday after the first Monday of November, in the year  
 20 1879, and every year thereafter, shall elect one commissioner.

21 *Sixth.* The towns of Bloom, Rich, Bremen, Orland, Palos and Lemont, shall consti-  
 22 tute the sixth district, and on the first Tuesday after the first Monday of November of  
 23 the year 1879, and every year thereafter, shall elect one commissioner.

"SECTION 60. Their terms of office shall begin on the first Monday of December after  
 2 their election, and they shall hold their office, respectively, until their successors are  
 3 elected and qualified. Each commissioner shall receive the sum of five dollars per day  
 4 for the time actually and necessarily engaged in the discharge of his duties as such  
 5 commissioner, but the total amount so received by each commissioner, as his per diem,  
 6 shall not exceed the sum of one thousand dollars for the year, to be paid on the order  
 7 of the board of commissioners out of the county treasury. Each commissioner shall  
 8 also be allowed mileage—five cents a mile each way—for necessary travel, and no  
 9 other allowance or emolument, directly or indirectly, for any purpose whatever."

1. Introduced by Mr. Southworth, February 12, 1879, and ordered to first reading.
2. First reading February 13, 1879, and referred to Committee on Roads, Highways and Bridges.
3. Reported back, passage recommended and ordered to second reading March 12, 1879.

## A BILL

For an act to fix the liability of towns and counties, and certain officers, for neglect or failure to properly construct, keep and maintain roads and bridges in repair.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That it shall be the duty of all counties not under township organization, and all towns in counties under township organization, to properly build and construct, and afterwards to keep and maintain all the public roads and bridges in such counties and towns in such repair and so free from obstructions that the same may be reasonably safe and convenient for travelers with their horses, teams, carriages and property at all seasons of the year.*

§ 2. Any county or town which shall neglect or refuse to properly build or construct, or which shall neglect or refuse to keep and maintain any such public road or bridge in such repair and so freed from obstructions, shall be liable, in an action on the case, to any person or persons sustaining any bodily injury, or who shall suffer any damage to his property through any defect or want of repair, or sufficient railing, or because of any obstruction in any road or bridge, for whatever damage he or they may sustain by reason of such defect, obstruction or want of repair in any such road or bridge: *Provided, however, that no such county or town shall be so liable if it shall satisfactorily show, as a matter of defence, that the proper county or town officers had not been able, after using ordinary diligence on their part, to become informed of such defect, obstruction or want of repair: And, provided, further, that such county or town shall not be*

12 so liable if the proper authorities thereof have raised and expended on the roads and  
13 bridges in such county or town all the money and labor which they were authorized to  
14 raise by taxation or otherwise in said county or town for such purpose.

§ 3. If such defect, obstruction or want of repair shall have existed long enough to  
2 become so notorious as to be observable by all, then such county or town, and the proper  
3 authorities thereof, shall be held to have reasonable notice of such defect, obstruction  
4 or want of repair. ]

1. Introduced by Mr. Southworth February 12, 1879, and ordered to first reading.
2. First reading February 13, and referred to Committee on Roads, Highways and Bridges.
3. Reported back, passage recommended and ordered to second reading March 12.
4. Second reading, amended and ordered to third reading April 21.

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## A BILL

For an act to fix the liability of towns and counties, and certain officers, for neglect or failure to properly construct, keep and maintain roads and bridges in repair.

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SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General*

2 *Assembly,* That it shall be the duty of all counties not under township organization,  
3 and all towns in counties under township organization, to properly build and construct,  
4 and afterwards to keep and maintain all the public roads and bridges in such counties  
5 and towns in such repair and so free from obstructions that the same may be reasonably  
6 safe and convenient for travelers with their horses, teams, carriages and property at all  
7 seasons of the year.

§ 2. Any county or town which shall neglect or refuse to properly build or construct  
2 or which shall neglect or refuse to keep and maintain any such public road or bridge  
3 in such repair and so freed from obstructions, shall be liable, in an action on the case,  
4 to any person or persons sustaining any bodily injury, or who shall suffer any damage  
5 to his property through any defect or want of repair, or sufficient railing, or because  
6 of any obstruction in any road or bridge, for whatever damage he or they may sustain  
7 by reason of such defect, obstruction or want of repair in any such road or bridge: *Pro-*  
8 *vided, however,* that no such county or town shall be so liable if it shall satisfactorily  
9 show, as a matter of defense, that the proper county or town officers had not been able,  
10 after using ordinary diligence on their part, to become informed of such defect, obstruc-



tion or want of repair: *And, provided further,* that such county or town shall not be so  
liable if the proper authorities thereof have raised and expended on the roads and  
bridges in such county or town all the money and labor which they were authorized to  
raise by taxation or otherwise in said county or town for such purpose.

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(In House.)

1. Reported to House May 7, 1879.
2. First reading May 12, and referred to Committee on Roads, Highways and Bridges.
3. Reported back, passage recommended, and ordered to second reading May 16.

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## A BILL

For an act to fix the liability of towns and counties, and certain officers, for neglect or failure to properly construct, keep and maintain roads and bridges in repair.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly, That it shall be the duty of all counties not under township organization, and all towns in counties under township organization, to properly build and construct, and afterwards to keep and maintain all the public roads and bridges in such counties and towns in such repair and so free from obstructions that the same may be reasonably safe and convenient for travelers with their horses, teams, carriages and property at all seasons of the year.*

§ 2. Any county or town which shall neglect or refuse to properly build or construct, or which shall neglect or refuse to keep and maintain any such public road or bridge in such repair and so freed from obstructions, shall be liable, in an action on the case, to any person or persons sustaining any bodily injury, or who shall suffer any damage to his property through any defect or want of repair, or sufficient railing, or because of any obstruction in any road or bridge, for whatever damage he or they may sustain by reason of such defect, obstruction or want of repair in any such road or bridge: *Provided, however, that no such county or town shall be so liable if it shall satisfactorily show, as a matter of defense, that the proper county or town officers had not been able,*

10 after using ordinary diligence on their part, to become informed of such defect, obstruc-  
11 tion or want of repair: *And, provided further,* that such county or town shall not be so  
12 liable if the proper authorities thereof have raised and expended on the roads and  
13 bridges in such county or town all the money and labor which they were authorized to  
14 raise by taxation or otherwise in said county or town for such purpose.

1. Introduced by Mr. Talliaferro Feb. 13, 1879, and ordered to first reading.
2. First reading Feb. 13, 1879, and referred to Committee on Miscellaneous.
3. March 20, reported back with amendment and recommended it be ordered to second reading. So ordered.

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Amendment by Committee on Miscellaneous.

Amend by adding at the end of section 1st, the following proviso: *Provided*, that it shall be unlawful for any person or persons, by himself, herself, servant or agent, to sell, vend or retail in any quantity, vinous, spirituous or malt liquors, within two miles of any incorporated city, town or village, without obtaining a license from the authorities of such city, town or village to sell the same, in case said city, town or village shall have prohibited by ordinance in whole or in part the sale of liquor therein or are regulating the same within such corporation by license.

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**A BILL**

For an act to prevent the sale of intoxicating liquors within two miles of any City, Town or Village in this State, and providing who shall prosecute for the violation of the act.

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SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly*, That it shall be unlawful for any person or persons by himself, herself, servant or agent, to sell vinous, spirituous or malt liquors, to be drunk at the place of sale or elsewhere, within two miles of the corporate limits of any of the cities, towns or villages of this State. Any person found guilty of violating this act, shall be fined for each offense, the sum of twenty dollars, or confined in the county jail not less than ten nor more than thirty days or both, in the discretion of the court; and any town, city or

8 village, being incorporated, may prosecute under their ordinances and laws for the vio-  
9 lation of this act by suitable ordinances made for that purpose as well as any other per-  
10 son, before any court of competent jurisdiction.

1. Introduced by Mr. Taliaferro, February 13, 1879, and ordered to first reading.
2. First reading February 13, and referred to Committee on Miscellany.
3. Reported back with amendments and ordered to second reading March 20.
4. Second reading May 10, and referred to Committee on Judiciary.
5. May 30, reported back with amendments, passage recommended and ordered on file in order of second reading.

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Amendments to Senate Bill No. 264, reported by Committee on Judiciary, May 20, 1879.

Amend by striking out of section 1 all of said section after the word "elsewhere," in line 9, and insert in lieu thereof the following; "At any place outside of and within two miles of the corporate limits of any incorporated city, town or village in this State. Any person guilty of violating the provisions of this act, shall be fined for each offense the sum of twenty dollars, or confined in the county jail not less than ten, nor more than thirty days, or both, in the discretion of the court. The municipal authorities of every city, town or village in this State, shall have jurisdiction over the said distance of two miles from its corporate limits, for the purpose of enforcing the provisions of this act, and persons offending against the provisions hereof, may be prosecuted before any police magistrate or justice of the peace of such city, town or village. Nothing herein contained shall be held to confer upon the authorities of any city, town or village jurisdiction of offenses committed within the corporate limits of any other city, town or village, when the distance between the corporate limits of such cities, towns or villages is less than two miles.

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### **A BILL**

For an Act to prevent the sale of Intoxicating Liquors within two miles of any City, Town or Village in this State, and providing who shall prosecute for the violation of the Act.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General*  
2 *Assembly,* That it shall be unlawful for any person or persons, by himself, herself, ser-  
3 vant or agent, to sell vinous, spiritous or malt liquors, to be drank at the place of sale or  
4 elsewhere, within the corporate limits of any of the cities, towns or villages of this  
5 State. Any person found guilty of violating this act, shall be fined for each offense the  
6 sum of twenty dollars, or confined in the county jail not less than ten nor more than  
7 thirty days, or both, in the discretion of the court; and any town, city or village being  
8 incorporated, may prosecute under their ordinances and laws, for the violation of this  
9 act, by suitable ordinances made for that purpose, as well as any other person, before  
10 any court of competent jurisdiction.

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(Substitute for No. 2.)

1. Introduced by Mr. Bash February 13, 1879, and ordered to first reading.
2. First reading February 13, 1879 and ordered to second reading.

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### A BILL

For an act to enable park commissioners or corporate authorities to take, regulate, control and improve public streets leading to public parks, to pay for the improvement thereof, and in that behalf to make and collect a special assessment, or special tax on contiguous property.

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**SECTION 1.** *Be it enacted by the people of the State of Illinois, represented in the General Assembly, That every board of park commissioners shall have power to connect any public park, boulevard or driveway under its control with any part of any incorporated city, town or village, by selecting and taking any connecting street or streets or parts thereof, leading to such park; Provided that the streets so selected and taken, so far as taken, shall lie within the district or territory the property of which shall be taxable for the maintenance of such park; And provided further, that the consent of the corporate authorities having control of any such street or streets, so far as selected and taken, and also the consent in writing of the owners of a majority of the frontage of the lots and lands abutting on such street or streets so far as taken, shall be first obtained. And provided further, that the power conferred by this act on such board of*



12 park commissioners shall be limited to the selection and maintainance of but one such  
 13 boulevard or park way, to any one park and such boulevard park way shall be selected  
 14 with reference to the most direct or continuous route from the city, town or village  
 15 adjacent to such park.

§ 2. That such board of park commissioners, or such corporate authorities, as are  
 2 by law authorized to levy taxes or assessments for the maintainance of such parks,  
 3 shall have power to improve such street or streets in such manner as they may deem  
 4 best; and for that purpose they are hereby authorized to pay for the improvement  
 5 thereof, and from time to time to levy or cause to be levied and collected, a special tax  
 6 or assessment on contiguous property for a sum of money not exceeding the estimated  
 7 cost of such first improvement or improvements as shall be ordered and estimated by  
 8 such board of park commissioners, but not for any subsequent repair thereof. And to  
 9 that end such board or corporate authorities shall have all the power and authority  
 10 now or hereafter granted to them respectively, relative to the levy, assessment and col-  
 11 lection of taxes or assessments for corporate purposes. And such special taxes or as-  
 12 sessments as are hereby authorized may be divided into not exceeding four annual in-  
 13 stallments bearing interest at the rate of six per cent. per annum from the date of con-  
 14 firmation until paid. And the said assessment, or installments thereof, shall be collect-  
 15 ed and enforced in the same manner as is provided by law for the collection and en-  
 16 forcement of other taxes or assessments for or on account of such corporate bodies or  
 17 boards as aforesaid, so far as the same are applicable.

§ 3. Such park boards shall have the same power and control over the parts of  
 2 streets taken under this act, as are or may be by law vested in them of and concerning  
 3 the parks, boulevards or driveways under their control.

§ 4. In case any such streets or parts thereof shall pass from the control of any  
 2 such park board the power and authority over the same, granted or authorized by this  
 3 act shall revert to the proper corporate authorities of such city, town or village re-  
 4 spectively as aforesaid.

§ 5. Any city, town or village in this State shall have full power and author-  
 2 ity to invest any of such park boards with the right to control, improve and maintain  
 3 any of the streets of such city, town or village for the purpose of carrying out the  
 4 provisions of this act.

§ 6. WHEREAS, there is a necessity for the immediate construction of the improve-  
ments contemplated in this act, therefore an emergency exists, and this act shall take  
effect and be in force from and after its passage.



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(Substitute for No. 2.)

1. Introduced by Mr. Bash February 13, 1879, and ordered to first reading.
2. First reading February 13, 1879, and ordered to second reading.
3. Second reading February 18, 1879, amended and ordered to third reading.

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## A BILL

For an act to enable Park Commissioners or Corporate Authorities to take, regulate, control and improve public streets leading to public parks, to pay for the improvement thereof, and in that behalf to make and collect a special assessment, or special tax on contiguous property.

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SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly, That every Board of Park Commissioners shall have power to connect any public park, boulevard or driveway under its control with any part of any corporated city, town or village, by selecting and taking any connecting street or streets or parts thereof, leading to such park: Provided, that the streets so selected and taken, so far as taken, shall lie within the district or territory, the property of which shall be taxable for the maintenance of such park: And provided further, that the consent of the Corporate Authorities having control of any such street or streets, so far as selected and taken, and also the consent in writing of the owners of a majority of the frontage of the lots and lands abutting on such street or streets so far as taken, shall be first obtained. And provided further, that such connection or improvement shall embrace only such street or streets as are necessary to form one continuous improvement..*

§ 2. That such Board of Park Commissioners, or such Corporate Authorities, as

are by law authorized to levy taxes or assessments for the maintenance of such parks, shall have power to improve such street or streets in such manner as they may deem best; and for that purpose they are hereby authorized to pay for the improvement thereof, and from time to time to levy or cause to be levied and collected, a special tax or assessment on contiguous property abutting upon such street so improved for a sum of money not exceeding the estimated cost of such first improvement or improvements, as shall be ordered and estimated by such Board of Park Commissioners, but not for any subsequent repair thereof. And to that end such Board or Corporate Authorities shall have all the power and authority now or hereafter granted to them respectively, relative to the levy, assessment and collection of taxes or assessments for corporate purposes. And such special taxes or assessments as are hereby authorized, may be divided into not exceeding four annual installments, bearing interest at the rate of six per cent per annum, from the date of confirmation until paid. And the said assessment, or installments thereof, shall be collected and enforced in the same manner as is provided by law for the collection and enforcement of other taxes or assessments for or on account of such corporate bodies or boards as aforesaid, so far as the same are applicable.

§ 3. Such park boards shall have the same power and control over the parts of streets taken under this act, as are or may be by law vested in them of and concerning the parks, boulevards or driveways under their control.

§ 4. In case any such streets or parts thereof shall pass from the control of any such park board, the power and authority over the same, granted or authorized by this act shall revert to the proper Corporate Authorities of such city, town or village respectively as aforesaid.

§ 5. Any city, town or village in this State shall have full power and authority to invest any of such park boards with the right to control, improve and maintain any of the streets of such city, town or village for the purpose of carrying out the provisions of this act.

§ 6. WHEREAS, There is a necessity for the immediate construction of the improvements contemplated in this act, therefore an emergency exists, and this act shall take effect and be in force from and after its passage.

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(In House.)

1. Reported from Senate Feb. 26, 1879.
2. First reading March 3, 1879, and referred to Committee on Municipal Affairs.
3. Reported back, passage recommended and ordered to second reading March 14, 1879.

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### A BILL

For an Act to enable Park Commissioners or Corporate Authorities to take, regulate, control and improve public streets leading to public parks, to pay for the improvement thereof, and in that behalf to make and collect a special assessment, or special tax on contiguous property.

---

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That every board of park commissioners shall have power to connect any public park, boulevard or driveway under its control with any part of any incorporated city, town or village, by selecting and taking any connecting street or streets or parts thereof, leading to such park: *Provided,* that the streets so selected and taken, so far as taken, shall lie within the district or territory, the property of which shall be taxable for the maintenance of such park: *And, provided further,* that the consent of the corporate authorities having control of any such street or streets, so far as selected and taken, and also the consent in writing of the owners of a majority of the frontage of the lots and lands abutting on such street or streets so far as taken, shall be first obtained. *And provided, further,* that such connection or improvement shall embrace only such street or streets as are necessary to form one continuous improvement.

§ 2. That such board of park commissioners, or such corporate authorities, as are by law authorized to levy taxes or assessments for the maintenance of such parks,

shall have power to improve such street or streets in such manner as they may deem best; and for that purpose they are hereby authorized to pay for the improvement thereof, and from time to time to levy or cause to be levied and collected, a special tax or assessment on contiguous property, abutting upon such street so improved for a sum of money not exceeding the estimated cost of such first improvement or improvements, as shall be ordered and estimated by such Board of Park Commissioners, but not for any subsequent repair thereof. And to that end such Board or Corporate Authorities shall have all the power and authority now or hereafter granted to them respectively, relative to the levy, assessment and collection of taxes or assessments for corporate purposes. And such special taxes or assessments as are hereby authorized, may be divided into not exceeding four annual installments, bearing interest at the rate of six per cent. per annum, from the date of confirmation until paid. And the said assessment, or installments thereof, shall be collected and enforced in the same manner as is provided by law for the collection and enforcement of other taxes or assessments for or on account of such corporate bodies or boards as aforesaid, so far as the same are applicable.

§ 3. Such park boards shall have the same power and control over the parts of streets taken under this act, as are or may be by law vested in them of and concerning the parks, boulevards or driveways under their control.

§ 4. In case any such streets or parts thereof shall pass from the control of any such park board, the power and authority over the same, granted or authorized by this act shall revert to the proper corporate authorities of such city, town or village respectively as aforesaid.

§ 5. Any city, town or village in this State shall have full power and authority to invest any of such park boards with the right to control, improve and maintain any of the streets of such city, town or village for the purpose of carrying out the provisions of this act.

§ 6. WHEREAS, There is a necessity for the immediate construction of the improvements contemplated in this act, therefore an emergency exists, and this act shall take effect and be in force from and after its passage.

1. Introduced by Mr. Callou, February 13, 1879, and ordered to first reading.
2. First Reading February 13, 1879, and referred to Committee on Municipalities.
3. Reported back with recommendation it be ordered to Second Reading. Feb. 23, 1879. So ordered.

3 Amend the bill by adding an additional section as follows:

§ 7 In order to enable the assessors of this state to correctly value the personal property  
2 of such banks, banking and savings associations, loan and trust companies or corporations for  
3 the purposes of taxation, it is hereby made the duty of the auditor of public accounts, on  
4 or before the 15th day of April of each year, to make a summary from the reports here  
5 in provided for of all the items of liabilities and assets of every character whatever, except-  
6 ing real estate, of every such bank, banking or savings associations, loan and trust company  
7 or corporation and transmit a copy of such summary to the assessors of the county in  
8 counties not under township organization, and to the assessors of the township, in counties  
9 under township organization, where such bank, or banks, banking and savings associations or  
10 associations, loan and trust company or corporation or companies or corporations, may be  
11 located.

## A BILL

For an Act to provide for obtaining reports of the condition of Banks, Banking or Savings As-  
sociations, Loan and Trust companies or corporations, organized or to be organized, under  
any law of this state or of the United States, and doing business in this state.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General*  
2 *Assembly,* That hereafter every bank or banking or savings association, loan and trust  
3 company or corporation, organized or hereafter to be organized under any law of this state,  
4 or of the United States doing business in this state, shall make and transmit to the auditor  
5 of public accounts, upon his request as hereinafter provided, full and accurate statements of  
6 its affairs.

§ 2. Such statements shall be made upon the call of the auditor of public accounts of  
3 this state, as provided for in section three (3) of this act, and shall fully and truly exhibit



the facts and items, as follows, as they existed at the close of business hours on the day which may be designated in such call:

1st. All the assets of said bank or banking or savings association or loan and trust company or corporation, giving a specific description of the character and amount or value of each, with a statement, whether or not the same or any part thereof are their available, and if a part how much, which statement shall include loans and discounts of every character, overdrafts, United States bonds, state bonds, all other bonds or stock, the amount and value of real estate, the value of furniture and fixtures, cash on hand, undivided profits, amount due from other banks or bankers, amount of capital stock, capital paid in, and surplus fund, together with such other items as the auditor of public accounts may from time to time call for. Such statement shall also show all the liabilities of such bank, banking or savings association, loan and fund company or corporation, existing at the time of such call, giving a specific description of each item and the amount, which statement shall include the amount of deposits drawing interest and the amount of accrued interest thereon, the amount of deposits not drawing interest and the amount due or owing to any bank, banker, or other corporation or individual, either by loan, overdraft or otherwise, together with such other items as the auditor of public accounts may from time to time call for.

*Provided:* That in the case of banks organized under any law of the United States, no statement shall be required showing the amount of bonds deposited in the United States Treasury, upon which the national bank notes have been issued, nor shall they be required to show the amount of their national bank notes then outstanding.

The statement provided for in this section shall be verified by the affidavit of the president or vice president, and the cashier, secretary or treasurer, (as the case may be) of such bank, banking or savings association, loan and trust company or corporation, and shall be transmitted to the auditor of public accounts within ten (10) days of the receipt of the call for such statement, and the same shall then remain on file as part of the public records of his office.

§ 3. It is hereby made the duty of the auditor of public accounts, once in each of the inspection quarters of the year, beginning on the first days of January, April, July and October, to transmit to every bank, banking or savings association, loan and trust company or corporation, organized or to be organized under any law of this state, or of the United States doing business in this state, a call for the statement provided for in sections one (1) and two (2) of this act, in which call he shall designate some past day within the quarter

7 in which such call is made, as the day for which such statement shall be made. Such call  
 8 shall be accompanied by a blank form of enquiry to be by him prepared, which shall en-  
 9 brace such specific items of assets and liabilities as are enumerated in section two (2) of this  
 10 act, together with such others as shall appear essential to a full knowledge of the affairs of  
 11 such bank, banking or savings association, loan and trust company or corporation.

§ 4. It shall be the duty of the auditor of public accounts as often as once in each year,  
 2 and oftner if it shall appear necessary, to appoint some competent and trustworthy agent, to  
 3 make a personal examination of the business affairs of each bank, banking or savings associa-  
 4 tion, loan and trust company or corporation, organized or hereafter to be organized, under  
 5 any law of this state or of the United States doing business in this state; and it is here-  
 6 by made the duty of such bank, banking or savings association, loan and trust company or  
 7 corporation as aforesaid to permit such agent, upon an exhibition of his authority, to in-  
 8 spect its books and records, and to afford such agent an opportunity to make such examina-  
 9 tion. Such agent shall at once report the result of such examination to the auditor of pub-  
 10 lic accounts, which report shall be filed and remain with the public records of his office.  
 11 Such compensation may be allowed said agent as the auditor of public accounts may deem  
 12 proper, not exceeding however, the sum of ten dollars (\$10.00) per day for the time actually  
 13 occupied, and not exceeding ten cents per mile for the distance actually travelled, which  
 14 compensation shall be paid by the bank, banking or savings association, loan and trust com-  
 15 pany or corporation so examined, the amount of the same being duly certified by the auditor  
 16 of public accounts.

§ 5. Whenever it shall appear from any of the reports or examinations provided for in  
 2 this act, that any such bank, banking or savings association, loan and trust company or cor-  
 3 poration is insolvent, or that its affairs are in such a condition as to render its further con-  
 4 tinuance in business dangerous to its depositors and stockholders or to the public, it shall be  
 5 the duty of the auditor of public accounts, at once, to cause to be published in some news-  
 6 paper printed at the place of business of such bank, banking or savings association, loan  
 7 and trust company or corporation (or if there be no newspaper published at such place,  
 8 then in one published nearest thereto,) a full and complete statement of the condition of  
 9 such bank, banking or savings association, loan and trust company or corporation, as shown  
 10 by such report or examination.

§ 6 Any such bank, banking or savings association loan and trust company or corporation  
 2 which shall violate any of the provisions of this act shall forfeit and pay for each violation

3 the sum of five hundred dollars to be recovered by an action of debt commenced in the  
4 name of the people of the state of Illinois.

5 All monies recovered for violations of this act to be paid into the state treasury. It is .  
6 hereby made the duty of the attorney general to direct and superintend all prosecutions un-  
7 der this act.

1. Introduced by Mr. Callon, February 13, 1879, and ordered to first reading.
2. First reading February 13, 1879, and referred to Committee on Municipalities.
3. Reported back with recommendation it be ordered to second reading, February 28, 1879. So ordered.
4. April 2, second reading, amended and ordered to third reading.

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### **A BILL**

For an Act to provide for obtaining reports of the condition of Banks, Banking or Savings Associations, Loan and Trust Companies or Corporations, organized or to be organized under any law of this State or of the United States, and doing business in this State.

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SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That hereafter every bank or banking or savings association, loan and trust company or corporation, organized or hereafter to be organized under any law of this State or of the United States, doing business in this State, or any person or persons doing a banking business in this State, shall make and transmit to the auditor of public accounts, upon his request as hereinafter provided, full and accurate statements of its affairs.

§ 2. Such statements shall be made upon the call of the auditor of public accounts of this State as provided for in section three (3) of this act, and shall fully and truly exhibit the facts and items, as follows, as they existed at the close of business hours on the day which may be designated in such call :

1st. All the assets of said bank or banking or savings association or loan and trust company or corporation, giving a specific description of the character and amount or value of each, with a statement whether or nor the same or any part thereof are their available, and if a part, how much, which statement shall include loans and discounts of every character, over drafts, United States bonds, state bonds, all other bonds or

10 stock, the amount and value of real estate, the value of furniture and fixtures, cash on  
 11 hand, undivided profits, amount due from other banks or bankers, amount of capital  
 12 stock, capital paid in, and surplus fund, together with such other items as the auditor  
 13 of public accounts may from time to time call for. Such statement shall also show all  
 14 the liabilities of such bank, banking or savings association, loan and trust company or  
 15 corporation, existing at the time of such call, giving a specific description of each item  
 16 and the amount, which statement shall include the amount of deposits  
 17 drawing interest and the amount of accrued interest thereon, the amount  
 18 of deposits not drawing interest, and the amount due or owing to any bank, banker or  
 19 other corporation or individual, either by loan, overdraft or otherwise, together with  
 20 such other items as the auditor of public accounts may from time to time call for:  
 21 *Provided*, that in the case of banks organized under any law of the United States, no  
 22 statement shall be required showing the amount of bonds deposited in the United States  
 23 Treasury, upon which their national bank notes have been issued, nor shall they be re-  
 24 quired to show the amount of their national bank notes then outstanding. The state-  
 25 ment provided for in this section shall be verified by the affidavit of the president or  
 26 vice president, and the cashier, secretary or treasurer, (as the case may be) of such bank,  
 27 banking or savings association, loan and trust company or corporation, and shall be  
 28 transmitted to the Auditor of Public Accounts within ten (10) days of the receipt of the  
 29 call for such statement, and the same shall then remain on file as part of the public  
 30 records of his office.

§ 8. It is hereby made the duty of the Auditor of Public Accounts, once in each of  
 2 the respective quarters of the year, beginning on the first days of January, April, July  
 3 and October, to transmit to every bank, banking or savings association,  
 4 loan and trust company or corporation, organized or to be organized  
 5 under any law of this State, or of the United States doing business  
 6 in this State, a call for the statement provided for in sections one (1) and  
 7 two (2) of this act, in which call he shall designate some past day within the quarter  
 8 in which such call is made, as the day for which such statement shall be made. Such  
 9 call shall be accompanied by a blank form of enquiry, to be by him prepared, which  
 10 shall embrace such specific items of assets and liabilities as are enumerated in section  
 11 two (2) of this act, together with such others as shall appear essential to a full knowl-

edge of the affairs of such bank, banking or savings association, loan and trust company or corporation, and no other reports to the Auditor of Public Accounts, except such as are provided for by this act, shall be required.

§ 4. It shall be the duty of the Auditor, as often as once in each year, to require the stockholders, directors and officers of each bank, banking or savings association, loan and trust company or corporation, organized or hereafter to be organized, under any law of this State or of the United States doing business in this State, at or before the annual election of officers and directors of such bank or savings association, to make a personal examination of the affairs and conditions of such bank, banking or savings association, loan or trust company or corporations so organized, to make a full and correct report in writing of the affairs and condition of the same, which report shall be verified under oath by the president, cashier or secretary of such bank, banking or savings association, loan and trust company or corporations, and filed in the office of the State Auditor within ten (10) days after the time required for making such report, and upon their failure or neglect to make such report in the time and manner herein provided, they shall each become personally liable for all losses to depositors and other creditors of such bank.

§ 5. Whenever it shall appear from any of the reports or examinations provided for in this act that any such bank, banking or savings association, loan and trust company or corporation is insolvent, or that its affairs are in such a condition as to render its further continuance in business dangerous to its depositors and stockholders or to the public, it shall be the duty of the auditor of public accounts at once to cause to be published in some newspaper printed at the place of business of such bank, banking or savings association, loan and trust company or corporation (or if there be no newspaper published at such a place, then in one published nearest thereto) a full and complete statement of the condition of such bank, banking or savings association, loan and trust company or corporation, as shown by such report or examination.

§ 6. Any such bank, banking or savings association, loan and trust company or corporation which shall violate any of the provisions of this act shall forfeit and pay for each violation the sum of five hundred dollars (\$500) to be recovered by an action of debt commenced in the name of the people of the state of Illinois.

All monies recovered for violations of this act to be paid into the state treasury. It

4  
6 is hereby made the duty of the attorney general to direct and superintend all prosecu-  
7 tions under this act.

§ 7. In order to enable the assessors of this state to correctly value the personal  
3 property of such banks, banking and savings' associations, loan and trust companies or  
4 corporations for the purposes of taxation, it is hereby made the duty of the auditor of  
5 public accounts, on or before the 15th day of April of each year, to make a summary  
6 from the reports herein provided for, of all the items of liabilities and assets of every  
7 character whatever, excepting real estate, of every such bank, banking or savings asso-  
8 ciations, loan and trust company or corporation, and transmit a copy of such summary  
9 to the assessors of the county in counties not under township organization, and to the  
10 assessor of the township, in counties under township organization, where such bank, or  
11 banks, banking and savings association or associations, loan and trust company or cor-  
poration or companies or corporations, may be located.

1. Introduced by Mr. Riddle February 18, 1879, and ordered to first reading.
2. First reading February 18, 1879, and referred to Committee on Judiciary.
3. Reported back with amendment, passage recommended and ordered to second reading February 22, 1879.

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Amend by adding to the Bill: *Provided*, that in all cases where the person or persons so summoned shall refuse or fail to appear at the time and place specified in such summons, the justice before whom such process is returnable shall render a judgment against the person or persons so summoned for the amount of fees and traveling expenses which have been tendered and received under the provisions of this act, in addition to the amount found to be due from the person or persons so garnisheed.

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## A BILL

For An act to amend section four (4) of An act entitled "An act in regard to garnishment,"

(approved March 9, 1872. In force July 1, 1872.)

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SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That section four of An act entitled "An act in regard to garnishment," be amended so as to read as follows:

"SECTION 4. If such process is issued by a justice of the peace, it shall be made returnable within the same time, and be served in the same manner as other summonses issued by justices of the peace": *Provided*, that in all cases where the person or persons so summoned as garnishee, shall not reside in the same town with the justice issuing such summons, the person or persons for whose use such garnishee sum-



mons is issued shall advance, through the constable or other officer serving the same,  
to the person or persons so summoned as garnishee, fifty cents, and five cents for  
each and every mile of necessary travel, to and from such justice office ; and the con-  
stable or other officer making such service shall show by his return the fact of such  
payment.

1. Introduced by Mr. Riddle, February 13, 1879, and ordered to first reading.
2. First reading February 13, 1879, and referred to Committee on Judiciary.
3. Reported back with amendment, passage recommended and ordered to second reading February 22, 1879.
4. March 20, second reading, amended and ordered to third reading.

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## A BILL

For an act to amend section four (4) of an act entitled "An Act in regard to garnishment," (approved March 9, 1872. In force July 1, 1872.)

---

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General*

2 *Assembly,* That section four of an act entitled "An Act in regard to garnishment," be  
3 amended so as to read as follows:

"SECTION 4. If such process is issued by a justice of the peace, it shall be made  
2 "returnable within the same time, and be served in the same manner as other sum-  
3 "mons issued by justices of the peace": *Provided,* that in all cases where the person  
4 or persons so summoned as garnishee, shall not reside in the same town with the justice  
5 issuing such summons, the person or persons for whose use such garnishee summons is  
6 issued shall advance, through the constable or other officer serving the same, to the  
7 person or persons so summoned as garnishee, fifty cents, and five cents for each and  
8 every mile of necessary travel, to and from such justice office: and the constable or  
9 other officer making such service shall show by his return the fact of such payment:  
10 *Provided,* that in all cases where the person or persons so summoned shall refuse or fail  
11 to appear at the time and place specified in such summons, the justice before whom  
12 such process is returnable shall render a judgment against the person or persons so

13 summoned for the amount of fees and traveling expenses which have been tendered  
 14 and received under the provisions of this act, in addition to the amount found to be  
 15 due from the person or persons so garnisheed.

1. Introduced by Mr. Lewis Feb. 18, 1879, and ordered to first reading.
2. First reading Feb. 18, 1879, and referred to Committee on Appropriations.
3. Reported back, passage recommended Feb. 20, 1879.

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## A BILL

For an Act for an appropriation for repairs of the Court House of the Supreme and Appellate Courts at Ottawa, Illinois, and for the Library of said Courts.

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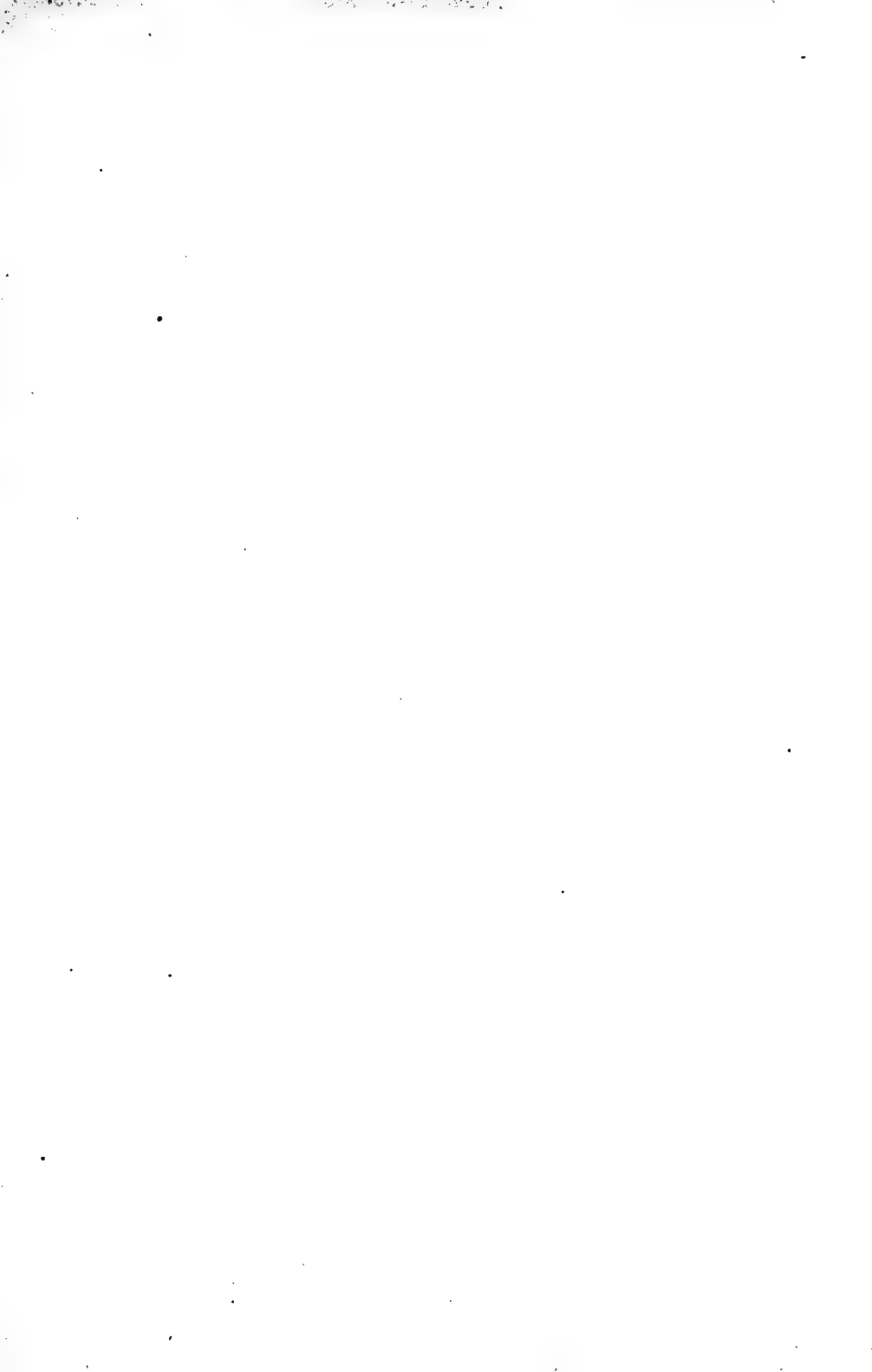
SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly,* That there shall be appropriated for the purpose of putting a new tin roof upon the Court House of the Supreme and Appellate Court at Ottawa, Illinois, with eves-troughs and for painting the same, and putting down a new floor on the portico, the sum of seven hundred dollars.

§ 2. That there be appropriated for the purpose of supplying the Library of said courts, with State Reports, the sum of nine hundred dollars.

§ 3. That there be appropriated for the purpose of supplying said Library with Text Books, the sum of three hundred dollars.

§ 4. That there be appropriated for the purpose of repairing the covers of books in said Library, the sum of one hundred dollars.

§ 5. That the said sums shall be expended under the direction of the Judges of the Appellate Court of said district, and shall be paid in warrants, to be issued by the Auditor of State upon the State Treasury, upon the order of said Judges, in such sums as they may from time to time require, and said Judges shall file with the Auditor of State, vouchers for such expenditures.



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(In House.)

1. Reported to House March 8, 1879.
2. First reading March 22, and referred to Committee on Appropriations.
3. Reported back, passage recommended and ordered to second reading.

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## A BILL

For an Act for an appropriation for repairs of the Court House of the Supreme and Appellate Courts at Ottawa, Illinois, and for the Libraries of said Courts.

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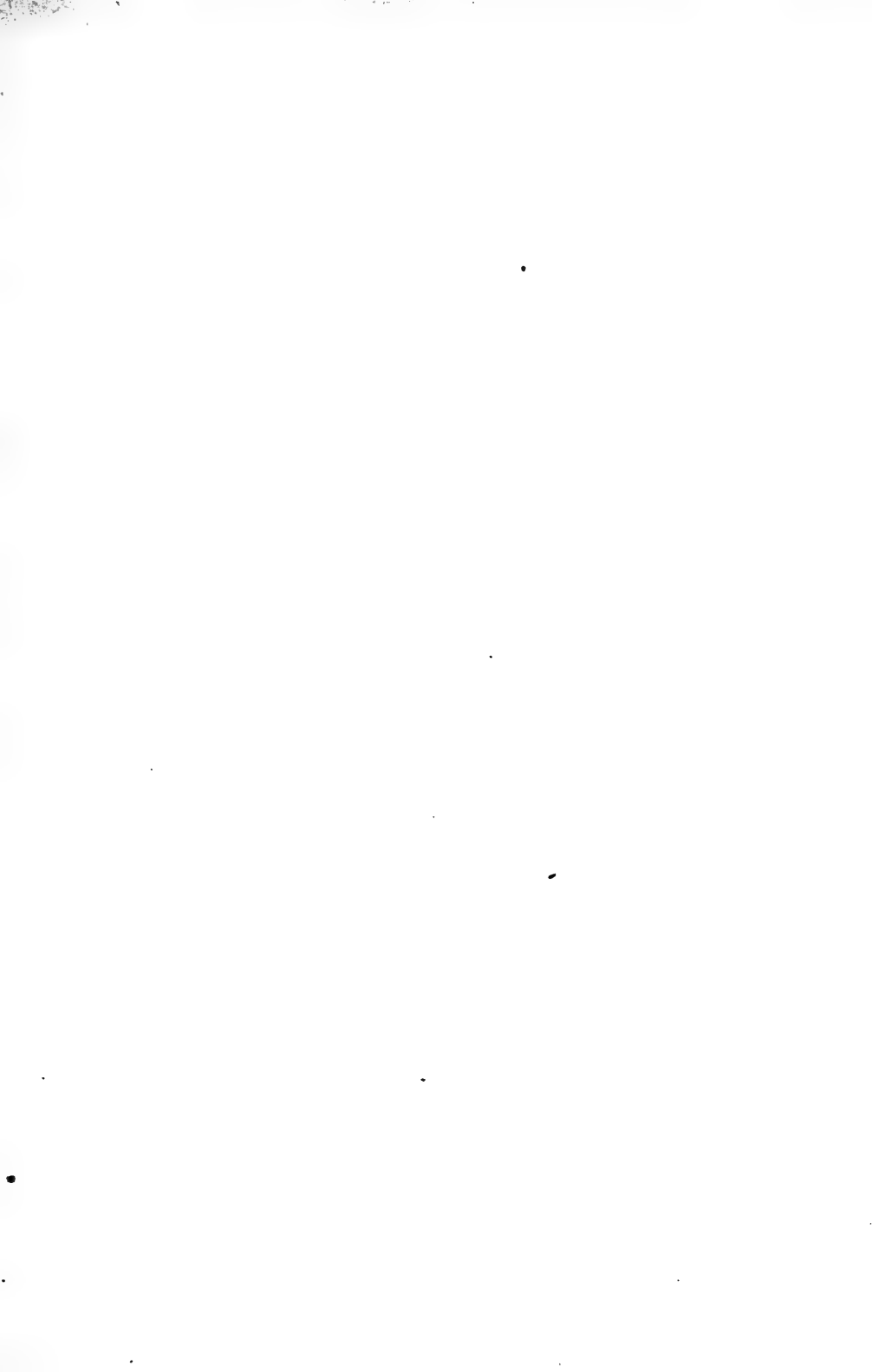
SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That there shall be appropriated, for the purpose of putting a new tin roof upon the Court House of the Supreme and Appellate Court, at Ottawa, Illinois, with eaves-troughs and for painting the same, and putting down a new floor on the portico, the sum of seven hundred dollars.

§ 2. That there be appropriated, for the purpose of supplying the library of said courts with State reports, the sum of nine hundred dollars.

§ 3. That there be appropriated, for the purpose of supplying said library with text books, the sum of three hundred dollars.

§ 4. That there be appropriated, for the purpose of repairing the covers of books in said library, the sum of one hundred dollars.

§ 5. That the said sums shall be expended under the direction of the judges of the Appellate Court of said district, and shall be paid in warrants, to be issued by the Auditor of State upon the State Treasury, upon the order of said judges, in such sums as they may from time to time require, and said judges shall file with the Auditor of State vouchers for such expenditures.



1. Introduced by Mr. Whiting February 18, 1879, and ordered to first reading.
2. First reading February 18, 1879, and referred to Committee on Canals and Rivers.
3. Reported back, passage recommended, and ordered to second reading February 21, 1879.

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## A BILL

For an act to provide a contingent fund to sustain the Illinois and Michigan Canal and River Improvements.

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WHEREAS, More than five hundred thousand dollars of the earnings of the Illinois and Michigan Canal have been by law applied to other purposes than to its own repairs and maintenance; and

WHEREAS, There is now an exigency threatening its destruction, unless protected by the State by a return of a portion of the money diverted to other uses, as a fund to be used in certain contingencies; therefore

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That there be, and is hereby appropriated the sum of one hundred thousand dollars, annually, for the years 1879 and 1880, for the purpose of maintaining the Illinois and Michigan Canal and the river improvements owned by the State.

§ 2. No part of this appropriation shall be drawn from the treasury, unless the Canal Commissioners, or a majority of them, shall at the time, certify to the Governor that the revenue of the Canal, together with all other Canal moneys at their command, are insufficient to maintain the Canal and river improvements in efficient and proper condition, and this certificate shall state the specific purposes for which the money is needed, based on such facts as will enable the Governor to judge of the emergency.



§ 2. No warrant shall be drawn by the Auditor of Public Accounts upon the treasurer, without a requisition of a majority of the Canal Commissioners, and the same approved by the Governor, and the whole or whatever portion of the first one hundred thousand dollars appropriated for the year 1879, shall remain undrawn from the treasury on the last day of December of this year, shall lapse into the treasury and no longer stand appropriated; and the appropriation for the year 1880 shall be subject to the same rule of lapsing, if the same shall not be needed. The Canal Commissioners in their annual report to the Governor, shall state the several sums thus received from the State treasury, with a detailed statement of how the same has been expended, with the balance, if any, which remains in their hands.

1. Introduced by Mr. WHITING Feb. 18, 1879, and ordered to First Reading.
2. First Reading Feb. 18, 1879, and referred to Committee on Revenue.
3. Reported back Feb. 18, 1879, passage recommended, and ordered to Second Reading.

## A BILL

For an Act to tax express companies, corporations or persons, doing express business.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly.* That every corporation, company or person, whether incorporated or organized, or residing in this state or out of this state, doing express business on any railroad in this state shall make an annual report to the railroad and warehouse commissioners, on or before the second Tuesday in August next, and each year thereafter, which report shall state the number and location of their offices in this state, the railroad over which they conduct their business and the number of miles in this state they do express business, together with a statement verified by oath of the proper officer as to its correctness, stating the gross amount of all their receipts for the year ending the first day of August for all express matter carried in this state and include a *pro rata* part on all express business coming from other states into this state, and all going from this state to other states.

§ 2. Each corporation, company or person doing such express business shall pay an annual tax to the state of two per cent on their gross earnings annually computed as stated in section 1. The state board of equalization at their annual meeting shall compute this tax from the returns made of the gross earnings, but if any corporation, company or person doing such express business shall neglect or fail to make a report including the gross earnings as herein provided, the board of equalization shall compute the tax on such delinquent, at the rate of six dollars a mile, for as many miles as such corporation, company or person do business on the railroads of this state.

§ 3. Every such person, company or corporation so taxed shall pay his, their or  
2 its tax to the state treasurer on or before the first day of December in each year. In  
3 case any of these parties fail to pay such tax to the state treasurer by the time  
4 named herein for the same to be paid, it shall be the duty of said treasurer to so in-  
5 form the attorney general, and this officer shall proceed to collect the same by an  
6 action of debt in the name of the People of the State of Illinois.

1. Introduced by Mr. Whiting February 18, 1879, and ordered to first reading.
2. First reading February 18, 1879, and referred to Committee on Revenue.
3. Reported back, passage recommended, and ordered to second reading February 26, 1879.

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## A BILL

For an act providing for the taxation of corporations, companies or persons operating telegraph lines.

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SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That every corporation, company or person, whether incorporated, organized or reading in this State or outside the State, operating a telegraph line in this State, shall make an annual report to the Board of Railroad and Warehouse Commissioners on or before the second Tuesday of August, beginning with the present year, 1879. Said report shall state the number of miles of telegraph operated by said corporation, company or person in this State, and the gross amount of all the receipts for the year ending the first day of August, for all the business done by such corporation, company or person in this State, which statement shall be verified by the oath of the proper officer as to its correctness.

§ 2. Each corporation, company or person operating such telegraph, shall pay an annual tax to the State of two per cent. on the gross earnings. The Board of Equalization shall compute the tax from the report thus made, but in case there be a neglect or failure to make the report, including the statement of the gross earnings, the Board shall compute the tax on such delinquent at the rate of six dollars a mile for as many miles as such delinquent corporation, company or person operate telegraph lines in this State.

§ 3. Every corporation, company or person thus taxed, shall pay the same to the State Treasurer on or before the first day of December in each year. In case of a de-

3 linqency of payment as herein named by any corporation, company or person, the  
4 Treasurer shall inform the Attorney General of such delinquency, and it shall be the  
5 duty of the Attorney General to proceed to collect the same by an action of debt in the  
6 name of the people of the State of Illinois.

1. Introduced by Mr. Whiting, February 18, 1879, and ordered to first reading.
2. First reading February 18, and referred to Committee on Public Buildings and Grounds.
3. March 8, reported back and referred to Committee on Appropriations.
4. April 8, reported back with amendment, passage recommended and ordered to second reading.

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Amendment of Committee on Appropriations to Senate Bill 274.

Amend section three by adding thereto the following words, after the word "thereto,"

2 in the last line of section three of the written bill: "*Provided, however, that, before*

3 *drawing his warrants, the Auditor of Public Accounts shall procure an abstract of the*

4 *title to the property condemned, and submit the same to the Attorney General for his*

5 *examination; and such warrant shall not be drawn until the title shall have been either*

6 *approved by the Attorney General or settled by some court of competent jurisdic-*

7 *tion.*"

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**A BILL**

For an act to make an appropriation to pay for the land condemned, for the use of the

State, adjoining the new Capitol grounds.

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WHEREAS, The commissioners appointed under the act entitled "An Act to secure

2 to the State of Illinois four acres of additional grounds lying south of and adjoining

the new Capitol grounds," approved May 21, 1877, as appears from their report dated May 20, 1878, filed in the office of the Secretary of State, and a certified copy of which report has been filed in the office of the Auditor of Public Accounts, have ascertained the compensation to be paid for the land therein described and taken at the sum of thirty-two thousand and six hundred dollars (\$32,600), and also the further sum of fifteen hundred dollars (\$1500) as compensation for damages to other lands adjoining the land taken, belonging to the owner of one of the tracts taken, making the aggregate sum of thirty-four thousand and one hundred dollars (\$34,100) for such compensation and damages; therefore,

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the sum of thirty-four thousand and one hundred dollars (\$34,100) be and the same is hereby appropriated to pay the owners of the several tracts of land in said report of said commissioners described, the amount of such compensation and damages awarded by said commissioners, to the owners of each tract in said commissioners report described.

§ 2. The Auditor of Public Accounts is hereby directed and required to draw his warrant on the State Treasurer, in favor of the owner, or owners, of each of the several tracts of land in said commissioners' report described, for the amount of such compensation so awarded to the owner of each tract, severally, including the sum of fifteen hundred dollars (\$1500) awarded by said commissioners to the owner of lands damaged adjoining the lands taken, as appears from said report. Each warrant, so drawn, shall contain a description of the lands in compensation for which the same is drawn and the money paid. Upon the presentation of such warrants, endorsed by the owner or owners of such tracts of land, severally, the State Treasurer shall pay the same out of any funds in the treasury, not otherwise appropriated.

§ 3. In case the ownership of such lands shall be in dispute between different claimants, so that there shall, in the opinion of the Attorney General, exist any serious question as to who is entitled to the compensation and damages so awarded, and the parties so adversely claiming such title do not themselves take proceedings to settle such dispute, it shall be the duty of the Attorney General to institute an appropriate proceeding in some court of competent jurisdiction, by interpleader or otherwise, to have the question of such title settled before such warrant is delivered to such owner or party

8 entitled thereto; and in that event, such warrant shall not be delivered or paid until  
9 the final determination of said suit, and then delivered and paid to the party who may  
10 appear from the judgment and decree of the court to be entitled thereto.





1. Introduced by Mr. Whiting, February 18, 1879, and ordered to first reading.
2. First reading February 18, and referred to Committee on Public Buildings and Grounds.
3. March 8, reported back and referred to Committee on Appropriations.
4. April 4, reported back with amendment, passage recommended and ordered to second reading.
5. April 15, second reading, amended and ordered to third reading.

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## A BILL

For an act to make an appropriation to pay for the land condemned, for the use of the State, adjoining the new Capitol grounds.

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WHEREAS, The commissioners appointed under the act entitled "An act to secure to the State of Illinois four acres of additional grounds lying south of and adjoining the new capitol grounds," approved May 21, 1877, as appears from their report dated May 30, 1878, filed in the office of the Secretary of State, and a certified copy of which report has been filed in the office of the Auditor of Public Accounts, have ascertained the compensation to be paid for the land therein described and taken at the sum sum of thirty-two thousand and six hundred dollars (\$32,600), and also the further sum of fifteen hundred dollars (\$1500) as compensation for damages to other lands adjoining the land taken, belonging to the owner of one of the tracts taken, making the aggregate sum of thirty-four thousand and one hundred dollars (\$34,100) for such compensation and damages; therefore,

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the sum of thirty-four thousand and one hundred dollars (\$34,100) be, and the same is hereby appropriated to pay the owners of the several tracts of land in said report of said commissioners described, the amount of such compensation and damages awarded by said commissioners, to the owners of each tract in said commissioners report described.

§ 2. The Auditor of Public Accounts is hereby directed and required to draw his warrant on the State Treasurer, in favor of the owner, or owners, of each of the several tracts of land in said commissioners' report described, for the amount of such compensation so awarded to the owner of each tract, severally, including the sum of fifteen hundred dollars (\$1500) awarded by said commissioners to the owner of lands damaged adjoining the lands taken, as appears from said report. Each warrant so drawn, shall contain a description of the lands in compensation for which the same is drawn and the money paid. Upon the presentation of such warrants, endorsed by the owner or owners of such tracts of land, severally, the State Treasurer shall pay the same out of any funds in the treasury, not otherwise appropriated.

§ 3. In case the ownership of such lands shall be in dispute between different claimants, so that there shall, in the opinion of the Attorney General, exist any serious question as to who is entitled to the compensation and damages so awarded, and the parties so adversely claiming such title do not themselves take proceedings to settle such dispute, it shall be the duty of the Attorney General to institute an appropriate proceeding in some court of competent jurisdiction, by interpleader or otherwise, to have the question of such title settled before such warrant is delivered to such owner or party entitled thereto; and in that event, such warrant shall not be delivered or paid until the final determination of said suit, and then delivered and paid to the party who may appear from the judgment and decree of the court to be entitled thereto: *Provided, however,* that before drawing his warrants, the Auditor of Public Accounts shall procure an abstract of the title to the property condemned, and submit the same to the Attorney General for his examination; and such warrant shall not be drawn until title shall have been either approved by the Attorney General or settled by some court of competent jurisdiction.

1. Introduced by Mr. Bonfield, February 18, 1879, and ordered to first reading.
2. First reading February 18, 1879, and referred to Committee on Corporations.
3. Reported back, passage recommended, and ordered to second reading, March 8, 1879.

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## A BILL

For an Act to authorize all Corporations organized for Educational Purposes to refund their outstanding indebtedness.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly,* That all corporations organized under or by virtue of any law of this State, for educational purposes, which have or shall hereafter have outstanding indebtedness, either matured or immatured, which they wish to have the time of payment extended, may refund the same, or borrow money on such time as they may think proper to liquidate such outstanding indebtedness, and issue bonds therefor, bearing interest payable annually; such interest not to exceed the rate allowed by law on special contract therefor.



1. Introduced by Mr. Archer, Feb. 18, 1879, and ordered to first reading.
2. First reading Feb. 18, 1879, and referred to Committee on Judiciary.
3. Reported back, passage recommended and ordered to second reading March 6, 1879.

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### A BILL

For an act to amend section six (6) of an act entitled "An Act to provide for the exercise of the right of eminent domain," approved April 10, 1872; in force July 1, 1872.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly, That section six (6) of an act entitled "An Act to provide for the exercise of the right of eminent domain," approved April 10, 1872; in force July 1, 1872, be and the same is hereby amended so as to read as follows:*

SECTION 6. *In cases fixed for hearing of petition in vacation it shall be the duty of the clerk of the court in whose office the petition is filed at the time of issuing summons or making publication, to write the names of sixty-four disinterested freeholders of the county on sixty-four slips of paper, and, in presence of two disinterested freeholders, cause to be selected from said sixty-four names twelve of said persons, to serve as jurors; such selection to be made by lot and without choice or discrimination. And the said clerk shall thereupon issue venire directed to the sheriff of his county, commanding him to summon the twelve persons so selected as jurors, to appear at the court house in said county at a time to be named in the venire. There shall be allowed to each juror, so summoned, the sum of two dollars per day and his traveling expenses (to be verified by his affidavit) for every day necessarily employed in ascertaining and reporting the compensation to be paid to the owner or owners of the land over which any*

- 13 public road, railroad, plankroad, or other public easement is to be built; such jurors fees
- 14 and traveling expenses to be paid in advance by the party filing the petition for con-
- 15 demnation of the property sought to be taken or damaged for public use.

1. Introduced by Mr. Campbell, Feb. 18, 1879, and ordered to first reading.
2. First reading Feb. 18, 1879, and referred to Committee on Municipalities.
3. Reported back, passage recommended, and ordered to second reading February 28, 1879.

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## A BILL

For an act to amend section 1 and section 3 of "An Act to revise the law in relation to oil inspection," approved March 12, 1874.

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SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That section 1 and section 3 of "An Act to revise the law in relation to oil inspection," approved March 12, 1874, be and the same are hereby amended so as to read as follows:

SECTION 1. That the mayor of any city with the approval of the city council, and the board of trustees of any village or town, may and on the petition of any five inhabitants thereof, shall appoint an inspector for the inspection of coal oil, naphtha, gas-oil, benzine, and other mineral oils, or fluids the products of petroleum, and fix their compensation, to be paid by the party who has possession of such oil or fluid, and provide the remedy to recover such compensation in accordance with the provisions of the charter of such city, village, or town, to punish the violators of any ordinance under such charter. Every such inspector shall hold his office for one year and until his successor is appointed and qualified unless sooner removed from office, and shall have power to act as such inspector only within the limits of the city, village, or town for which he may be appointed inspector. He may appoint deputies, for whom he shall be responsible, and who shall take the same oath and be liable to the same penalties as the inspector. It shall be the duty of said inspector or his deputies, to inspect any oil or fluid aforesaid within his jurisdiction, not inspected by an authorized inspector of this



15 State, and for such purposes he shall have the right to enter and examine any building  
16 or place which may contain such oils or fluids as aforesaid.

§ 3. It shall be the duty of any manufacturer, refiner or producer of or any dealer,  
2 or any person, firm or corporation having in their possession any oil or fluid mentioned  
3 in section 1 of this act to request some inspector appointed by the proper authorities  
4 for the city, village or town in which such oil or fluid is situated, to inspect such oil or  
5 fluid within two days after the same shall have come into their possession. Such in-  
6 spector shall test the same with all reasonable dispatch by applying the fire test as in-  
7 dicated and determined by J. Taglibue's pyrometer, or some other instrument or means  
8 equally accurate, with which he shall have provided himself at his own expense.

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1. Introduced by Mr. Hamilton, from Committee on Miscellany, Feb. 19, 1879, and ordered to first reading.
  2. First reading Feb. 22, 1879, and ordered to second reading.

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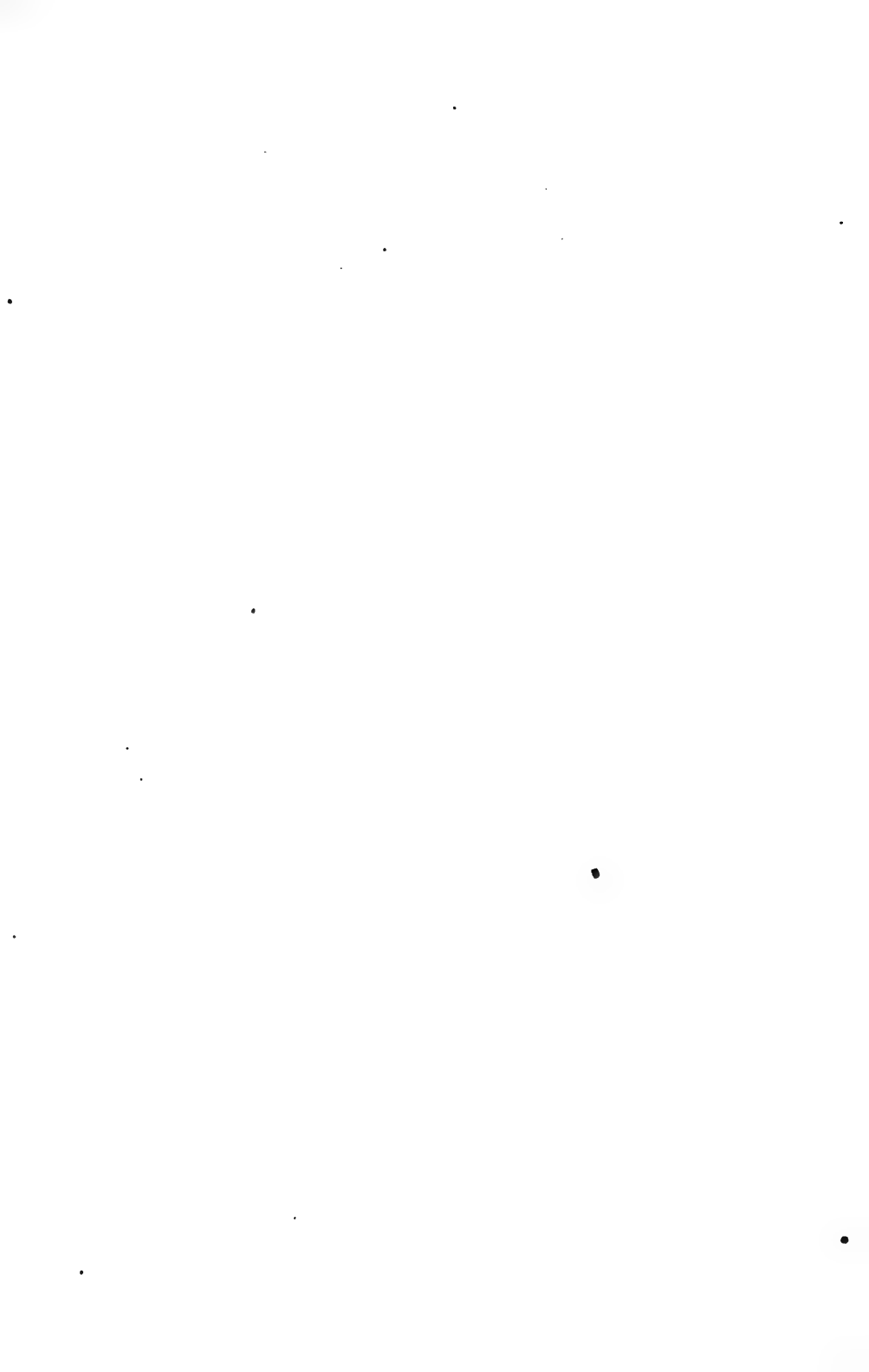
### **A BILL**

For an act to amend section two of an act entitled "An Act to secure the enforcement of the law for prevention of cruelty to animals," approved May 25, 1877; in force July 1, 1877.

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SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That section two of an act entitled "An Act to secure the enforcement of the law for prevention of cruelty to animals," approved May 25, 1877, be and the same is hereby amended so that it shall read as follows:

SECTION 2. The salary of said officers shall be not exceeding eight hundred (\$800) dollars each per annum, payable quarterly, from any money in the treasury not otherwise appropriated.



1. Introduced by Mr. WHITE, February 19, 1879, and ordered to First Reading.
2. First Reading February 22, 1879, and referred to Committee on Municipalities.
3. Reported back with recommendation it be ordered to Second Reading. So ordered February 28, 1879.

## A BILL

For an Act for the relief of Disabled Members of the Police and Fire Departments in cities and villages. Approved May 24, 1877. In force July 1, 1877.

*SEC. 1. Be it enacted by the people of the State of Illinois represented in the General Assembly,*

2 That one-fourth of all the rates, taxes, and license fees which are or may be hereafter required by law to be paid by corporations, companies or associations not incorporated under the laws of this state, engaged in any village or city in this state effecting fire insurance, and all moneys received from fines inflicted upon members of the police and fire departments for a violation of the rules and regulations of the service, and all fines recovered because of conviction for a violation of the fire ordinances, and all moneys accruing from the sale of unclaimed stolen property, shall be set apart by the treasurer of the city or village, to whom the same shall be paid, as a fund for the relief of disabled members of the police and fire departments of such city or village.

§ 2 The mayor or president of the board of trustees, the superintendent or chief officer of the police department; the fire marshal or chief officer of the fire department, and the chairman of the committee on police and fire and water of the city council or board of trustees of the city or village, with the comptroller (if there be one) or city clerk and treasurer, shall constitute and be a board by the name of the trustees of the police and firemen's relief fund, and the treasurer of the city or village shall be the custodian of the funds of the police and firemen's relief fund. The said board shall select from their number a president and secretary.

§ 3. The said board shall have exclusive control and management of the fund mentioned in the first section of this act, and of all moneys donated, paid or assessed for the relief of disabled policemen or firemen, and shall have the power to assess each and every member

4 of the police and fire departments of such city or village, including all such persons who,  
 5 having become entitled to the benefits of this fund, while such members of said police and  
 6 fire departments, have not forfeited their rights to share in such benefits after leaving such  
 7 departments, as hereinafter provided: Not to exceed the sum of five dollars (\$5.00) per an-  
 8 num, which shall be received and held by the treasurer of said relief fund, in like manner  
 9 as the other moneys herein provided to be paid to him; and any person who, having become  
 10 entitled to the benefits of this fund, shall not, within one month after notice in writing to  
 11 him from said board of the assessment against him, pay the same, shall not be entitled to,  
 12 or receive any benefit secured to him under the provisions of this act, unless he shall make  
 13 written application, to the trustees of the fund, to become a member thereof, and shall have,  
 14 by a unanimous vote of the trustees, been admitted to membership in said organization.  
 15 The said board may make all needful rules and regulations for its government in the dis-  
 16 charge of its duties, and shall hear and decide all applications for relief under this act, and  
 17 its decisions on such applications shall be final and conclusive, and not subject to reversal  
 18 except by the board: *Provided*, That nothing herein contained shall render the payment of  
 19 any sum of money or annuity which may be awarded by the board obligatory on the board,  
 20 or chargeable against it as a legal right; but the board may, at any time in its discretion,  
 21 order that such sums of money or annuity shall be reduced, or that payment of the same  
 22 shall not be made. The board shall cause to be kept a record of all its meetings and proceedings.

§ 4. The treasurer of the board shall be the custodian of the fund in the first section of  
 2 this act mentioned, and of all moneys donated, paid or assessed towards or on account of  
 3 the relief fund hereby created, and shall secure and safely keep the same, subject to the con-  
 4 trol and direction of the board, and shall keep his books and accounts in such a manner as  
 5 may be prescribed by the board, and the same shall always be subject to inspection of the  
 6 board, or any member thereof. The treasurer shall, within ten (10) days after his election or  
 7 appointment, execute a bond to the city or village, as the case may be, with good and suffi-  
 8 cient securities, in such penal sum as the board may direct, to be approved by the board,  
 9 conditional for the faithful performance of the duties of his office, and that he will safely  
 10 keep and well and truly account for all moneys and property which may come to his hands  
 11 as such treasurer, and that on the expiration of his term of office he will surrender and de-  
 12 liver over to his successor all unexpended moneys and all property which may have come  
 13 to his hands as such treasurer. Such bond shall be filed in the office of the clerk of such  
 14 city or village, and in case of a breach of the same, or the conditions thereof, suit may be

15 brought on the same in the name of such city or village, for the use of said board, or of  
 16 any person or persons injured by such breach.

§ 5. It shall be the duty of the mayor and clerk, or the comptroller, if there be one, and  
 2 the officer or officers of such city or village who are or may be authorized by law to draw  
 3 warrants upon the treasurer of such city or village, upon request made in writing by said  
 4 board, to draw warrants upon the treasurer of such city or village, payable to the treasurer  
 5 of said board, for the fund set apart by such city or village treasurer, as prescribed by the  
 6 first section hereof.

§ 6. When, in the judgment of the board, a sufficient amount shall have accumulated in  
 2 said fund to justify the application thereof to the use for which the same is hereby created,  
 3 if any member of the police or fire departments, while in actual performance of duty, or  
 4 other person entitled to the benefits of this fund as hereinafter provided, shall become per-  
 5 manently disabled, so as to render proper his retirement from membership, a sum not ex-  
 6 ceeding six hundred dollars (\$600) per annum, or such less sum as, in the judgment of the  
 7 board, the fund will justify, shall be paid to such member out of said fund; or, if any mem-  
 8 ber, while in actual discharge of duty, shall be killed, or shall die from the immediate  
 9 effects of an injury received by him while in such discharge of duty, or shall die after ten  
 10 years' service in the police or fire departments, and shall leave a widow, or, if no widow,  
 11 any child or children under the age of sixteen (16) years, a sum not exceeding six hundred  
 12 dollars (\$600) per annum, or such less sum as, in the judgment of the board, the condition  
 13 of the fund will justify, shall be paid to such widow so long as she shall remain unmarried,  
 14 or to such child or children while under the age of sixteen years.

§ 7. Any person who shall have served in either the police or fire departments of said  
 2 city or village for the full term of ten (10) years, and shall have paid into the fund hereby  
 3 provided for all assessments regularly made upon him by the board of trustees, as required  
 4 by this act, and the regulations of the said board of trustees passed in pursuance of this  
 5 act, and shall have complied with all the rules and regulations lawfully established by the  
 6 board of trustees in the same manner as if such person was an active member in said police  
 7 or fire department, may continue his membership in this organization, and be entitled to the  
 8 benefits of this fund after he shall have ceased to be a member in either said police or fire  
 9 department, by complying with all the provisions of this act relative to the payment of assess-  
 10 ments, etc., the same as prior to his ceasing to be a member of said departments, and the

1) widow or children of such person shall be entitled to all benefits hereby secured to other mem-  
12 bers of this organization.

§ 8. All moneys ordered to be paid from said relief fund to any person or persons shall  
2 be paid by the treasurer of said board only upon warrants signed by the president of the  
3 board and countersigned by the secretary, and no warrant shall be drawn except by order of  
4 the board, duly entered in the record of the proceedings of the board. In case the said re-  
5 lief fund, or any part thereof, shall, by order of the said board, or otherwise, be deposited  
6 in any bank or loaned, all interest on money which may be paid, or agreed to be paid, on  
7 account of any such loan or deposit, shall belong to and constitute a part of said fund:  
8 *Provided*, that nothing herein contained shall be construed as authorizing the said treasurer  
9 to loan the said fund, or any part thereof, unless so ordered by the board.

§ 9. All acts or part of acts or amendments thereto, heretofore enacted, and in any man-  
2 ner conflicting with the provisions of this act are hereby expressly repealed.

1. Introduced by Mr. White, February 19, 1879, and ordered to First Reading.
2. First reading February 22, 1879, and referred to Committee on Municipalities.
3. Reported back with recommendation it be ordered to second reading. So ordered February 28, 1879.
4. April 2, second reading, amended and ordered to third reading.

## A BILL

For an Act for the relief of Disabled Members of the Police and Fire Departments in cities and villages.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That one-fourth of all the rates, taxes and license fees which are or may be hereafter required by law to be paid by corporations, companies or associations not incorporated under the laws of this state, engaged in any village or city in this state effecting fire insurance, and all moneys received from fines inflicted upon members of the police and fire departments for a violation of the rules and regulations of the service and all fines recovered because of conviction for a violation of the fire ordinances, and all moneys accruing from the sale of unclaimed stolen property, shall be set apart by the treasurer of the city or village, to whom the same shall be paid as a fund for the relief of disabled members of the police and fire departments of such city or village.

§ 2. The mayor or president of the board of trustees, the superintendent or chief officer of the police department, the fire marshal or chief officer of the fire department, and the chairman of the committee on police and fire and water of the city council or board of trustees of the city or village, with the comptroller (if there be one) or city clerk and treasurer, shall constitute and be a board by the name of the "trustees of the police and firemen's relief fund," and the treasurer of the city or village shall be the cus-



7 todian of the funds of the police and firemen's relief fund. The said board shall select  
8 from their number a president and secretary.

§ 8. The said board shall have exclusive control and management of the fund mentioned  
2 in the first section of this act, and of all moneys donated, paid or assessed for the relief of  
3 disabled policemen or firemen, and shall have the power to assess each and every member  
4 of the police and fire departments of such city or village, including all such persons,  
5 who, having become entitled to the benefits of this fund, while such members of said  
6 police and fire departments, have not forfeited their rights to share in such benefits af-  
7 ter leaving such departments, as hereinafter provided: Not to exceed the sum of five  
8 dollars (\$5.00) per annum, which shall be received and held by the treasurer of said re-  
9 lief fund, in like manner as the other moneys herein provided to be paid to him; and  
10 any person who, having become entitled to the benefits of this fund, shall not, within  
11 one month after notice in writing to him from said board of the assessment against  
12 him, pay the same, shall not be entitled to, or receive any benefit secured to him under  
13 the provisions of this act, unless he shall make written application, to the trustees of  
14 the fund, to become a member thereof, and shall have, by a majority vote of the trus-  
15 tees, been admitted to membership in said organization, and on his making payment  
16 of all delinquent assessments due by him, which have accrued during his membership  
17 of such police or fire department. The said board may make all needful rules and  
18 regulations for its government in the discharge of its duties, and shall hear and decide  
19 all applications for relief under this act, and its decisions on such applications shall be  
20 final and conclusive, and not subject to review or reversal except by the board: *Pro-*  
21 *vided*, That nothing herein contained shall render the payment of any sum of money  
22 or annuity, which may be awarded by the board, obligatory on the board, or charge-  
23 able against it as a legal right; but the board may, at any time, in its discretion, order  
24 that such sums of money or annuity shall be reduced, or that payment of the same  
25 shall not be made. The board shall cause to be kept a record of all its meetings and  
26 proceedings.

§ 4. The treasurer of the board shall be the custodian of the fund in the first section  
2 of this act mentioned, and of all moneys donated, paid or assessed towards or on account  
3 of the relief fund hereby created, and shall secure and safely keep the same, subject to

4 the control and direction of the board, and shall keep his books and accounts in such a  
 5 manner as may be prescribed by the board, and the same shall always be subject to the  
 6 inspection of the board, or any member thereof. The treasurer shall, within ten (10)  
 7 days after his election or appointment, execute a bond to the city or village, as the  
 8 case may be, with good and sufficient securities, in such penal sum as the board may  
 9 direct, to be approved by the board, conditional for the faithful  
 10 performance of the duties of his office, and that he will safely keep and well and truly  
 11 account for all moneys and property which may come to his hands as such treasurer, and  
 12 that on the expiration of his term of office he will surrender and deliver over to his  
 13 successor all unexpended moneys and all property which may have come to his  
 14 hands as such treasurer. Such bond shall be filed in the office of the clerk of such city  
 15 or village, and in case of a breach of the same, or the conditions thereof, suit may be  
 16 brought on the same in the name of such city or village, for the use of said board, or of  
 17 any person or persons injured by such breach.

§ 5. It shall be the duty of the mayor and clerk, or the comptroller, if there be one,  
 2 and the officer or officers of such city or village who are or may be authorized by law  
 3 to draw warrants upon the treasurer of such city or village, upon request made in  
 4 writing by said board, to draw warrants upon the treasurer of such city or village, pay-  
 5 able to the treasurer of said board, for the fund set apart by such city or village treas-  
 6 urer, as prescribed by the first section hereof.

§ 6. When, in the judgment of the board, a sufficient amount shall have accumu-  
 2 lated in said fund to justify the application thereof to the use for which the same is  
 3 hereby created, if any member of the police or fire departments, while in actual per-  
 4 formance of duty, or other person entitled to the benefits of this fund, as hereinafter  
 5 provided, shall become permanently disabled, so as to render proper his retirement from  
 6 membership, a sum not exceeding six hundred dollars (\$600) per annum,  
 7 or such less sum as, in the judgment of the board, the fund will jus-  
 8 tify, shall be paid to such member out of said fund; or, if any mem-  
 8 ber, while in actual discharge of duty, shall be killed, or shall die from the immediate  
 9 effects of an injury received by him while in such discharge of duty, or shall die after ten  
 10 years' service in the police or fire departments, and shall leave a widow, or, if no widow,

11 any child or children under the age of sixteen (16) years, a sum not exceeding six hun-  
 12 dred dollars (\$600) per annum, or such less sum as, in the judgment of the board, the  
 13 condition of the fund will justify, shall be paid to such widow so long as she shall re-  
 14 main unmarried, or to such child or children, while under the age of sixteen years.

§ 7. Any person who shall have served in either the police or fire department of said  
 2 city or village for the full term of ten (10) years, and shall have paid into the fund hereby  
 3 provided for all assessments regularly made upon him by the board of trustees, as re-  
 4 quired by this act, and the regulations of the said board of trustees passed in pursuance  
 5 of this act, and shall have complied with all the rules and regulations lawfully estab-  
 6 lished by the board of trustees in the same manner as if such person was an active  
 7 member in said police or fire department, may continue his membership in this organ-  
 8 ization, and be entitled to the benefits of this fund after he shall have ceased to be a  
 9 member in either said police or fire department, by complying with all the provisions  
 10 of this act relative to the payment of assessments, etc., the same as prior to his ceasing  
 11 to be a member of said departments, and the widow or children of such person shall be  
 12 entitled to all benefits hereby secured to other members of this organization.

§ 8. All moneys ordered to be paid from said relief fund to any person or persons  
 2 shall be paid by the treasurer of said board only upon warrants signed by the president  
 3 of the board, and countersigned by the secretary, and no warrant shall be drawn except  
 4 by order of the board, duly entered in the record of the proceedings of the board. In  
 5 case the said relief fund, or any part thereof, shall, by order of the said board, or other-  
 6 wise, be deposited in any bank, or loaned, all interest on money which may be paid, or  
 7 agreed to be paid, on account of any such loan or deposit, shall belong to and consti-  
 8 tute a part of said fund; *Provided*, that nothing herein contained shall be construed  
 9 as authorizing the said treasurer to loan the said fund, or any part thereof, unless so  
 10 ordered by the board.

§ 9. All acts or part of acts or amendments thereto, heretofore enacted, and in any  
 2 manner conflicting with the provisions of this act, are hereby expressly repealed.

1. Introduced by Mr. Herdman Feb. 19, 1879, and ordered to first reading.
2. First reading Feb. 22, 1879, and referred to Committee on Judicial Department.
3. Reported back with recommendation it be ordered to second reading. So ordered.

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## A BILL

For an act to amend section two hundred and thirty-seven (237), of division one (1) of an act entitled "an act to revise the law in relation to criminal jurisprudence." Approved March 27, 1874, in force July 1, 1874.

---

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General*

2 *Assembly, That section two hundred and thirty-seven (237) of division one (1) of an act*  
3 *entitled "an act to revise the law in relation to criminal jurisprudence;" approved*  
4 *March 27, 1874, in force July 1, 1874, be, and the same is hereby so amended as to read*  
5 *as follows:*

"§ 237. Rape is the carnal knowledge of a female, forcibly and against her will.  
2 Every male person of the age of fourteen years and upwards, who shall have carnal  
3 knowledge of any female child under the age of ten years, either with or without her  
4 consent, shall be adjudged to be guilty of the crime of rape. Every person convicted  
5 of the crime of rape shall be punished by castration, death, or imprisonment in the pen-  
6 itentiary for a term not less than five years, and may extend to life. If the accused is  
7 found guilty by a jury they shall fix the punishment by their verdict; upon a plea of  
8 guilty the punishment shall be fixed by the court. In all cases of punishment by cas-  
9 tration, the court shall direct the time when said punishment shall be inflicted, which  
10 shall be within twenty days from the time sentence is pronounced. *Provided, That for*  
11 *good cause the court or governor may extend the time. Such punishment shall be in-*

12 inflicted within the walls of the prison of the county in which such conviction took place,  
13 or within an enclosure adjoining such prison, and shall be inflicted by the county phy-  
14 sician, assisted by some other competent physician, to be selected by said county physi-  
15 cian. The party punished by castration as aforesaid, shall be discharged from impris-  
16 onment when sufficiently recovered.

1. Introduced by Mr. Herdman February 19, 1879, and ordered to first reading.
2. First reading February 22, and referred to Committee on Judicial Department.
3. Reported back with recommendation it be ordered to second reading. So ordered.
4. Second reading, amended, and ordered to third reading April 23.

---

## A BILL

For an act to amend section two hundred and thirty-seven (237), of division one (1) of an act entitled "An act to revise the law in relation to criminal jurisprudence," approved March 27, 1874; in force July 1, 1874.

---

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That section two hundred and thirty-seven (237) of division one (1) of an act entitled "An act to revise the law in relation to criminal jurisprudence," approved March 27, 1874; in force July 1, 1874, be, and the same is hereby so amended as to read as follows:

SECTION 237. Rape is the carnal knowledge of a female, forcibly and against her will.

Every male person of the age of fourteen years and upwards, who shall have carnal knowledge of any female child under the age of ten (10) years, either with or without her consent, shall be adjudged to be guilty of the crime of rape. Every person convicted of the crime of rape shall be punished by death or imprisonment in the penitentiary for a term not less than five years, and may extend to life. If the accused is found guilty by a jury, they shall fix the punishment by their verdict; upon a plea of guilty, the punishment shall be fixed by the court.



1. Introduced by Mr. Moffett Feb. 19, 1879, and ordered to first reading.
  2. First reading Feb. 22, 1879, and referred to Committee on Appropriations.
  3. April 8, reported back with amendments, passage recommended, and ordered to second reading.
- 

Amendments to Senate Bill 287, by Committee on Appropriations.

Amend section one by striking out the figures "\$7,500" in line three of the written  
2 bill and insert in lieu thereof the figures "\$8,000."

Amend further by adding to section one, line ten, of written bill the following words,  
23 "three thousand of the said six thousand dollars aforesaid, to be paid to the said Thomas  
3 Peniwell, and three thousand to the said James N. Wilson.

---

A BILL

For an act making an appropriation for the relief of certain persons who were disabled through  
the premature discharge of a piece of ordnance belonging to the State Arsenal.

---

WHEREAS, At a soldiers' reunion held at Decatur, Illinois, on the 16th day of Octo-  
2 ber, A. D. 1878, Thomas Peniwell, who served in Battery I, of Second Illinois Artil-  
3 lery, and James N. Wilson, who served in Battery B, of Second Ohio Artillery, were  
4 each deprived of an arm through the premature discharge of a piece of ordnance be-  
5 longing to the state arsenal; and

WHEREAS, Said piece of ordnance was defective, honey-combed and unsafe to handle  
2 by reason of its holding fire; therefore



SECTION 1. *As it enacted by the people of the State of Illinois, represented in the General*  
2 *Assembly, That the sum of \$7,500 be appropriated out of the treasury out of any funds*  
3 *not otherwise appropriated for the purpose of compensating the said Thomas Peniwell*  
4 *and James N. Wilson in full for all damages that may have accrued to them through*  
5 *the premature discharge of said piece of ordinance.*

1. Introduced by Mr. Moffett, February 19, 1879, and ordered to first reading.
2. First reading February 22, and referred to Committee on Appropriations.
3. April 8, reported back with amendments, passage recommended and ordered to second reading.
4. April 15, second reading, amended and ordered to third reading.

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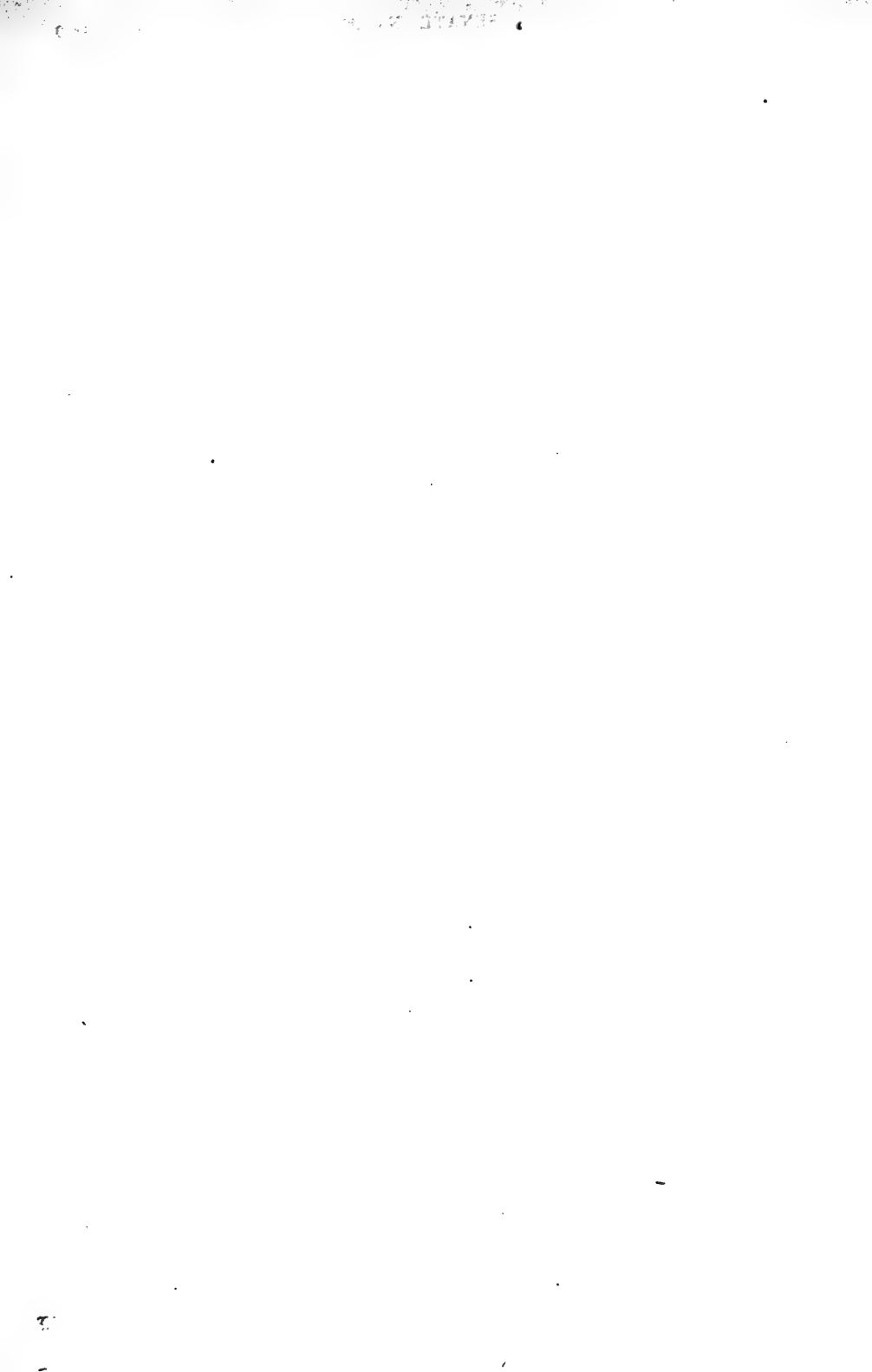
## A BILL

For an Act making appropriation for the relief of certain persons who were disabled through the premature discharge of a piece of ordnance belonging to the State Arsenal.

---

WHEREAS, At a soldier's reunion held at Decatur, Illinois, on the 16th day of Oct.  
ber, A. D. 1878, Thomas Peniwell, who served in Battery I, of Second Illinois Artillery, and James N. Wilson, who served in Battery B, of second Ohio Artillery, were each deprived of an arm through the premature discharge of a piece of ordnance belonging to the State Arsenal; and, Whereas, said piece of ordnance was defective, honey comed and unsafe to handle by reason of its holding fire; therefore,

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the sum of \$6,000 be appropriated out of the treasury, out of any funds not otherwise appropriated, for the purpose of compensating the said Thomas Peniwell and James N. Wilson in full for all damages that may have accrued to them through the premature discharge of said piece of ordnance. Three thousand of the six thousand dollars aforesaid to be paid to said Thomas Peniwell, and three thousand to the said James N. Wilson.



(In House.)

1. Reported to House April 23, 1879.
2. First reading April 28, and referred to Committee on Appropriations.
3. Reported back, passage recommended, and ordered to second reading May 7.

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### A BILL

For an act making an appropriation for the relief of certain persons who were disabled through the premature discharge of a piece of ordnance belonging to the State Arsenal.

---

WHEREAS, At a soldiers' reunion held at Decatur, Illinois, on the 16th day of October, A. D. 1878, Thomas Peniwell, who served in Battery I, of Second Illinois Artillery, and James N. Wilson, who served in Battery B, of Second Ohio Artillery, were each deprived of an arm through the premature discharge of a piece of ordnance belonging to the State Arsenal; and

WHEREAS, Said piece of ordnance was defective, honey-combed and unsafe to handle by reason of its holding fire; therefore

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly, That the sum of \$5,000 be appropriated out of the treasury out of any funds not otherwise appropriated for the purpose of compensation to said Thomas Peniwell and James N. Wilson in full for all damages that may have accrued to them through the premature discharge of said piece of ordnance, three thousand of the said six thousand dollars aforesaid to be paid to the said Thomas Peniwell, and three thousand to the said James N. Wilson.*



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(In House).

1. Reported from House April 23, 1879.
2. First reading April 28, and referred to Committee on Appropriations.
3. Reported back, passage recommended and ordered to second reading May 7.
4. Second reading, amended and ordered to third reading May 15.

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Amendment to Senate Bill No. 257, offered and adopted May 15, 1879.

Amend by adding the following section :

“SECTION 2. The Auditor of Public Accounts is hereby authorized and required to  
2 draw his warrant on the State Treasurer for the sums herein specified, to the order of  
3 said James N. Wilson and Thomas Peniwell, respectively, and the State Treasurer  
4 shall pay the same out of any funds in the State Treasury not otherwise appropriated.”

W. B. TAYLOR, Clerk.

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## A BILL

For an Act making an appropriation for the relief of certain persons who were disabled  
through the premature discharge of a piece of ordnance belonging to the State  
Arsenal.

---

WHEREAS, At a soldiers reunion held at Decatur, Illinois, on the 16th day of Octo-  
2 ber, A. D. 1878, Thomas Peniwell, who served in Battery I, of Second Illinois Artillery,  
3 and James N. Wilson, who served in Battery B, of Second Ohio Artillery, were each  
4 deprived of an arm through the premature discharge of a piece of ordnance belonging  
5 to the State Arsenal; and,

6 WHEREAS, Said piece of ordnance was defective, honey-combed and unsafe to handle  
7 by reason of its holding fire ; therefore,

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General*  
2 *Assembly,* That the sum of \$5,000 be appropriated out of the treasury out of any funds  
3 not otherwise appropriated, for the purpose of compensation to said Thomas Peniwell  
4 and James N. Wilson in full for all damages that may have accrued to them through  
5 the premature discharge of said piece of ordnance, three thousand of the said six thou-  
6 sand dollars aforesaid to be paid to the said Thomas Peniwell, and three thousand to  
7 the said James N. Wilson.

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(Substitute for Senate Bill No. 79.)

1. Introduced by Mr. Hunt, from Committee on Judiciary, February 20, 1879, and ordered to first reading.
2. First reading February 2, 1879, and ordered to second reading.

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## A BILL

For an act to provide for appeals in cases of forcible detainer and forcible entry and detainer, and to repeal an act therein named.

---

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That upon the rendition of judgment in all cases of forcible detainer and forcible entry and detainer, if any party to the cause shall feel aggrieved by the verdict of the jury or decision of the court, upon any trial had under the act entitled "An Act in regard to forcible entry and detainer" approved and in force February 16, 1874, such party may have an appeal, to be taken to the same courts, in the same manner, and tried in the same way as appeals are taken and tried in other cases: *Provided,* the appeal is prayed and bond is filed within five days from the rendition of the judgment and no writ of restitution shall be issued in any case, until the expiration of said five days.

§ 2. If the plaintiff appeals, the condition of the bond shall be as in other cases of appeal when taken by the plaintiff.

§ 3. An act of the General Assembly entitled "An Act to amend sections 18 and 20



2 of an act entitled 'An Act in regard to forcible entry and detainer,' approved and in  
3 force February 16, 1874: approved May 24, 1877; in force July 1, 1877, is hereby re-  
4 pealed.

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Substitute for No. 202.

1. Introduced by Mr. Hunt, from Committee on Judiciary, Feb. 20, 1879, and ordered to first reading.
2. First reading February 22, 1879, and ordered to second reading.

---

## A BILL

For an act to amend an act entitled "An Act to revise the law in relation to liens," approved March 25, 1874 ; in force July 1, 1874.

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SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That an act entitled "An Act to revise the law in relation to liens," approved March 25, 1874; in force July 1, 1874, be and the same is hereby amended by adding the following sections, to be designated as section 51 and 52, which shall read as follows:

SECTION 51. That whenever any property shall be taken or seized by virtue of the lien given in the three preceding sections, and it shall not be redeemed by the owner or person entitled to the possession thereof, within ninety days after such seizure, by the payment of the proper charges for which it shall have been taken, it shall be lawful for the person or persons making such seizure, to sell the property at public sale to the highest and best bidder for cash, having first given public notice of such sale in some newspaper of general circulation in the county wherein such seizure is made, which notice shall be published at least once in each week for two successive weeks, and shall contain a description of the property, to whom it belongs, what it has been seized for, and the time and place of such sale, and after deducting the amount of the charges for which such property has been taken, and also the costs and expenses of such sale, render the overplus to the owner of such property or the person entitled thereto, if such owner or person can be found, and if not found within fifteen days after such sale it

14 shall be the duty of the person or persons making such seizure and sale, to make out a  
15 sworn statement of the property taken and sold, the time and place of sale the amount  
16 of the charges for which it was taken, the costs and expenses of sale, the amount of  
17 money realized from such sale, and have the same recorded in the recorder's office in  
18 the county where such seizure and sale is made, and deposit such overplus less the  
19 fees for recording such statement with the county treasurer of such county for the use  
20 of the person entitled thereto.

§ 52. If any person making such sale shall fail to comply with the provisions of  
2 the foregoing section, he shall, on conviction thereof, be deemed guilty of a misde-  
3 meanor, and fined in a sum not exceeding fifty dollars and be imprisoned in the county  
4 jail until the fine and costs are paid.

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Substitute for No. 203.

1. Introduced by Mr. Hunt, from Committee on Judiciary, February 20, 1879, and ordered to first reading.
2. First reading February 22, and ordered to second reading.

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## A BILL

For "An Act to punish persons for defrauding hotels, inn and other boarding house keepers."

---

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That if any person shall obtain or get credit, food, lodging or other accommodations at any hotel, inn or boarding house, with the intent to cheat and defraud the keeper or proprietor of such hotel, inn or boarding house out of such credit, food, lodging, or accommodations, such person upon conviction thereof shall be deemed guilty of a misdemeanor, and fined in a sum not exceeding two hundred dollars, and imprisoned in the county jail until the fine and costs are paid.



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Substitute for No. 203.

1. Introduced by Mr. Hunt, from Committee on Judiciary, February 20, 1879, and ordered to first reading.
2. First reading February 22, and ordered to second reading.
3. March 23, second reading, amended and ordered to third reading.

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**A BILL**

For "An Act to punish persons for defrauding hotels, inn and boarding house keepers."

---

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General*  
2 *Assembly, That if any person shall obtain food, lodging or other accommodations at any*  
3 *hotel, inn or boarding house, with the intent to cheat and defraud the keeper or pro-*  
4 *prietor of such hotel, inn or boarding house out of such credit, food, lodging, or accom-*  
5 *modations, such person upon conviction thereof shall be deemed guilty of a misdemea-*  
6 *or, and fined in a sum not exceeding fifty dollars, and imprisoned in the county jail*  
7 *until the fine and costs are paid.*



1. Introduced by Mr. Knykendall, from Committee on Fees and Salaries, February 20, 1879, and ordered to first reading.
2. First reading February 22, 1879, and ordered to second reading.

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## A BILL

For An Act to amend section four (4) of An act entitled "An act to establish a board of Railroad and Warehouse Commissioners, and prescribe their powers and duties," approved April 13, 1871, in force July 1, 1871.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly*, That section four (4) of an act entitled "An act to establish a board of railroad and warehouse commissioners, and prescribe their powers and duties," approved April 13, 1871, in force July 1, 1871, be and the same is hereby amended so as to read as follows :

SECTION 4. Each of said commissioners shall receive for his services, a sum not exceeding fifteen hundred dollars per annum, payable quarterly. They shall be furnished with an office, office furniture and stationery, at the expense of the State, and shall have power to appoint a secretary, to perform such duties as they shall assign him. Said secretary shall receive for his services a sum not exceeding fifteen hundred dollars per annum. The office of said commissioners shall be kept at Springfield, and all sums authorized to be paid by this act shall be paid out of the State Treasury, and only on the order of the Governor: *Provided*, That the total sum to be expended by said commissioners for office rent, and furniture, and stationery shall, in no case, exceed the total sum of eight hundred dollars per annum.



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11

1. Introduced by Mr. Artley, February 20, 1879, and ordered to first reading.
2. First reading February 22, and referred to Committee on Labor and Manufacture.
3. Reported back, recommended to second reading, and so ordered, April 18.

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## A BILL

For an Act in relation to the Liability of Master to Servant.

---

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That whenever any workman or servant shall be injured in consequence of the negligence of his master, or the negligence of any other person employed by his master, not doing any act or providing anything which may be requisite or proper, or doing any act or providing anything which may be improper, in, for or about the doing or carrying on the undertaking, work or business in, for or about which such workman or servant shall be employed, by or on account of his master, then such workman or servant shall be entitled to recover from his master damages for such injury by an action at law: Provided, the workman or servant has not, by want of reasonable care on his part, contributed to occasion the injury; and, Provided further, such injury shall not have been suffered in consequence of any wilful act or omission of a fellow workman or fellow servant, for which such fellow workman or fellow servant is punishable as a criminal offense.*

§ 2. Every such action shall be commenced within two years next after the injury shall have occurred, or cause of action shall have accrued. :

§ 3. Whenever the death of any workman or servant shall be caused by any such injury, an action therefor may be brought and maintained by and in the names of the personal representatives of such deceased person, and the amount recovered in every such action shall be for the exclusive benefit of the widow or husband and next of kin

5 of such deceased person, and shall be distributed to such widow or husband and next of  
6 kin in the proportion provided by law in relation to the distribution of personal prop-  
7 erty left by persons dying intestate; and in every such action the jury may give such  
8 damages as are a fair and just compensation, with reference to the pecuniary injuries  
9 resulting from such death, to the widow or husband and next of kin of such deceased  
10 person, not exceeding the sum of five thousand dollars.

§ 4. Every such action mentioned in the foregoing section shall be commenced with-  
2 in two years after the death of such person.

1. Introduced by Mr. DAVIS Feb. 20, and ordered to First Reading.
2. First Reading Feb. 22, and referred to Committee on Miscellany.
3. Reported back, Passage Recommended, and ordered to Second Reading Feb. 25.

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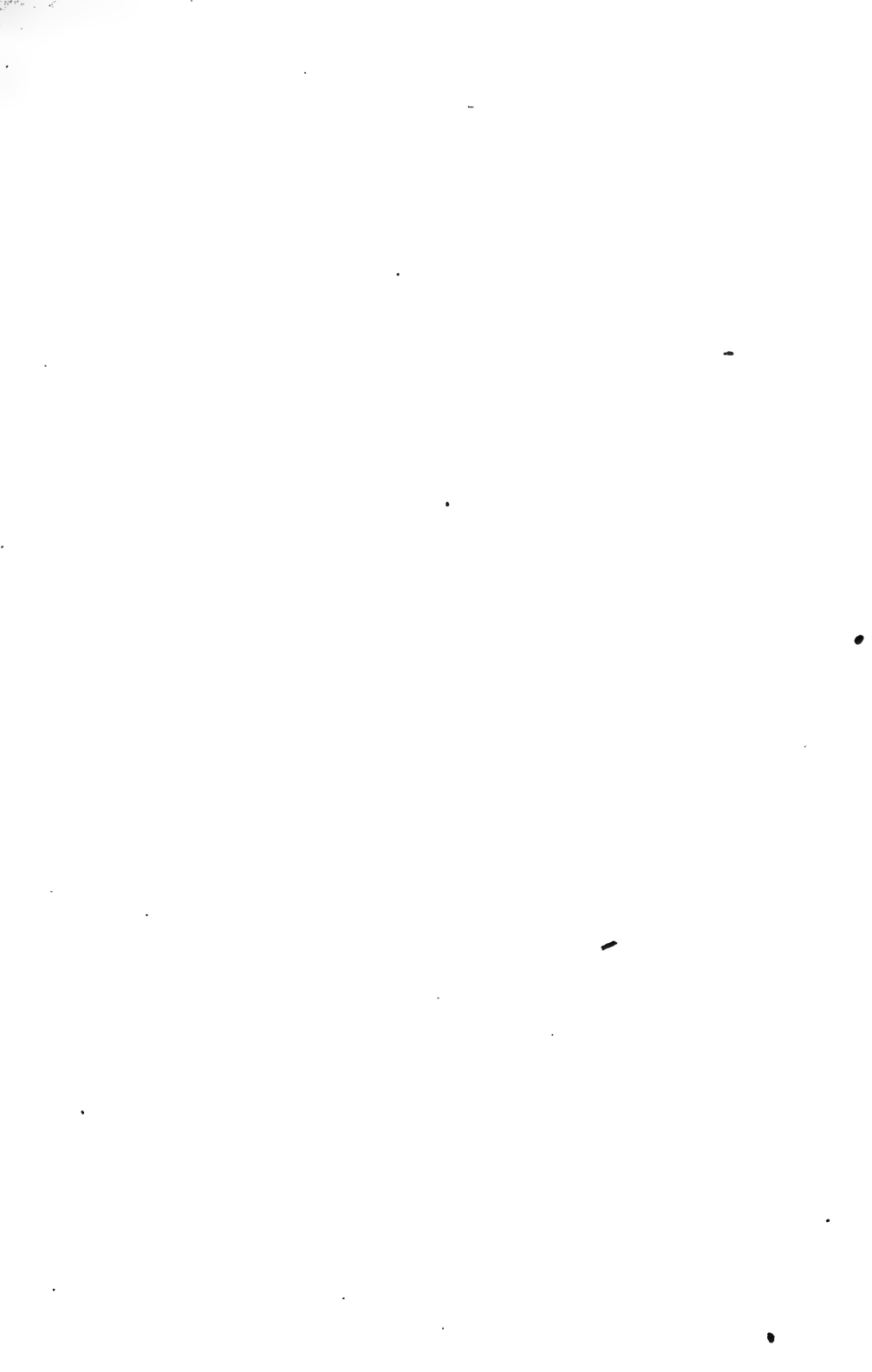
## A BILL

For an Act to prevent the playing of cards, dice, balls, or any other article or device used in gaming in saloons, or in places where intoxicating liquors are sold.

---

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly.* That all saloons or places where intoxicating liquors are sold, in which minors are permitted to play with cards, dice, balls, or any other article or device used in gaming, are hereby declared to be disorderly houses. Every proprietor or keeper of such saloons, or places where such gaming or playing shall take place, shall, for the first offense, be subject to a fine of not exceeding fifty dollars, and for any subsequent offense, to a fine not exceeding one hundred dollars; or to imprisonment not exceeding thirty days for the first offense, and sixty days for any subsequent offense.

§ 2. Whereas, it appears that there is an emergency, on account of which this Act should at once take effect; therefore, this act shall take effect from and after the time of its passage.



1. Introduced by Mr. Davis Feb. 20, 1879, and ordered to first reading.
2. First reading Feb. 22, 1879, and referred to Committee on Miscellany.
3. Reported back, passage recommended, and ordered to second reading Feb. 25, 1879.
4. March 24, 1879, second reading, amended, and ordered to third reading.

---

## A BILL

For an act to prevent the playing of cards, dice, balls, or any other article or device used in gaming by minors in saloons, or in places where intoxicating liquors are sold.

---

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That all saloons or places where intoxicating liquors are sold, in which minors are permitted to play with cards, dice, balls, or any other article or device used in gaming, are hereby declared to be disorderly houses. Every proprietor or keeper of such saloons, or places where such gaming or playing shall take place, shall, for the first offense, be subjected to a fine of not exceeding fifty dollars, and for any subsequent offense, to a fine not exceeding one hundred dollars; or to imprisonment not exceeding thirty days for the first offense, and sixty days for any subsequent offense.

§ 2. WHEREAS, it appears that there is an emergency, on account of which this act should at once take effect; therefore this act shall take effect from and after the time of its passage.



1. Introduced by Mr. Kuykendall, February 20, 1879, and ordered to a first reading.
2. First reading February 22, 1879, and referred to Committee on Judiciary.
3. Reported back March 5, passage recommended, and referred to Committee on Appropriations.
4. March 28, 1879, reported back passage recommended, and ordered to a second reading.

---

## A BILL

For an act for the relief of Joel Johnson, a messenger sent into the State of Texas to return a fugitive from justice.

---

WHEREAS, On the 19th day of December, 1873, John L. Beveridge, the then governor of the State of Illinois, did appoint and commission one Joel Johnson his messenger to go into the State of Texas to capture and return to this State one John W. Haley, who was indicted in Massac county, this State, for murder, and who was a fugitive from justice; and, whereas, on the 29th day of January, 1874, the said Joel Johnson did start from his home in the county of Johnson, in this State, to go to the State of Texas; and, whereas, the said Joel Johnson did go into the State of Texas, and found that the said John W. Haley had flown; and, whereas, the said Joel Johnson did hire and procure the services of the sheriff of Harris county, in said State of Texas, to assist in capturing the said John W. Haley; and, whereas, the said sheriff, together with his deputy, did, after long and continuous pursuit, capture the said John W. Haley, and deliver him to the said Joel Johnson, who returned him safely to the proper authorities of this State; and, whereas, the said Joel Johnson, in the discharge of his duties as messenger aforesaid, did hire and pay for assistance as aforesaid, and traveling expenses while in the discharge of his duty as messenger aforesaid, the sum of seven hundred and twenty-four dollars and eighty-cents; and, whereas, the governor only al-



17 lowed the said Joel Johnson for his services and expenses as aforesaid the sum of three  
18 hundred and ninety-five dollars; therefore,

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General*  
2 *Assembly,* That there be and is hereby appropriated out of the treasury the sum of  
3 three hundred and twenty-nine dollars and eighty cents to pay said Joel Johnson his  
4 said unpaid expenses in and about the capture and return of said fugitive, and also the  
5 further sum of two hundred dollars as and for his reward for the capture of said fugi-  
6 tive, and that the Auditor issue his warrant on the treasury therefor.

1. Introduced by Mr. Kuykendall, February 20, 1879, and ordered to a first reading.
2. First reading February 22, 1879, and referred to Committee on Judiciary.
3. Reported back March 5, passage recommended, and referred to Committee on Appropriations.
4. March 28, 1879, reported back passage recommended, and ordered to a second reading.
5. Second reading April 7, amended, and ordered to a third reading.

---

## A BILL

For an act for the relief of Joel Johnson, a messenger sent into the State of Texas to return a fugitive from justice.

---

WHEREAS, On the 19th day of December, 1873, John L. Beveridge, the then Governor of the State of Illinois, did appoint and commission one Joel Johnson his messenger to go into the State of Texas to capture and return to this State one John W. Haley, who was indicted in Massac county, in this State, for murder, and who was a fugitive from justice; and whereas, on the 29th day of January, 1874, the said Joel Johnson did start from his home in the county of Johnson, in this State, to go to the State of Texas; and, whereas, the said Joel Johnson did go into the State of Texas, and found that the said John W. Haley had fled; and whereas, the said Joel Johnson did hire and procure the services of the sheriff of Harris county, in said State of Texas, to assist in capturing the said John W. Haley; and, whereas, the said sheriff, together with his deputy, did, after long and continuous pursuit, capture the said John W. Haley, and deliver him to the said Joel Johnson, who returned him safely to the proper authorities of this State; and, whereas, the said Joel Johnson, in the discharge of his duties as messenger as aforesaid, did hire and pay for assistance as aforesaid, and traveling expenses while in the discharge of his duty as messenger as aforesaid, the sum of 16 seven hundred and twenty-four dollars and eighty cents (\$724.80); and, whereas, the

17 Governor only allowed the said Joel Johnson for his services and expenses as aforesaid  
18 the sum of three hundred and ninety-five dollars (\$395); therefore,

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General*  
2 *Assembly, That there be and hereby is appropriated out of the treasury the sum of*  
3 *three hundred and twenty-nine dollars and eighty cents (\$329.80) to pay said Joel John-*  
4 *son his said unpaid expenses in and about the capture and return of said fugitive,*  
5 *and also the further sum of two hundred dollars (\$200) as and for his reward for the*  
6 *capture of said fugitive, and that the Auditor issue his warrant on the treasury there-*  
7 *for.*

---

(In House.)

1. Reported to House April 19, 1879.
2. First reading April 19, and referred to Committee on Appropriations.
3. Reported back, passage recommended and ordered to second reading May 1.

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## A BILL

For an act for the relief of Joel Johnson, a messenger sent into the State of Texas to return  
a fugitive from justice.

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WHEREAS, On the 19th day of December, 1873, John L. Beveridge, the then Governor of the State of Illinois, did appoint and commission one Joel Johnson his messenger to go into the State of Texas to capture and return to this State one John W. Haley, who was indicted in Massac county, in this State, for murder, and who was a fugitive from justice; and,

WHEREAS, On the 29th day of January, 1874, the said Joel Johnson did start from his home in the county of Johnson, in this State, to go to the State of Texas; and,

WHEREAS, The said Joel Johnson did go into the State of Texas, and found that the said John W. Haley had fled; and,

WHEREAS, The said Joel Johnson did hire and procure the services of the sheriff of Harris county, in said State of Texas, to assist in capturing the said John W. Haley; and,

WHEREAS, The said sheriff, together with his deputy, did, after long and continuous pursuit, capture the said John W. Haley, and deliver him to the said Joel Johnson, who returned him safely to the proper authorities of this State; and,

WHEREAS, the said Joel Johnson, in the discharge of his duties as messenger as aforesaid, did hire and pay for assistance as aforesaid, and traveling expenses while in the discharge of his duty as messenger as aforesaid, the sum of seven hundred and twenty-four dollars and eighty cents (\$724 80); and,

19 WHEREAS, The Governor only allowed the said Joel Johnson for his services and ex-  
20 penses as aforesaid, the sum of three hundred and ninety-five dollars (\$395); therefore,

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General*  
2 *Assembly,* That there be and hereby is appropriated out of the treasury the sum of  
3 three hundred and twenty-nine dollars and eighty cents (\$329 80) to pay said Joel  
4 Johnson his said unpaid expenses in and about the capture and return of said fugitive,  
5 and also the further sum of two hundred dollars (\$200) as and for his reward for the  
6 capture of said fugitive, and that the Auditor issue his warrant on the treasury there-  
7 for.

- 
1. Introduced by Mr. Riddle Feb. 20, 1879, and ordered to first reading.
  2. First reading Feb. 22, 1879, and referred to Committee on Municipalities.
  3. Reported back, passage recommended, and ordered to second reading February 28, 1879.
- 

## A BILL

For An Act to authorize Park Commissioners to take by grant, devise, bequest or conveyance, property for Park, Driveway and other purposes therewith connected.

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SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* Real and personal property may be granted, bequeathed, devised or conveyed to the Commissioners of any park for the purposes of the establishment of any driveway connected or proposed to be connected, either directly or by means of a public highway or street, with such park, or for the extension, improvement or ornamentation of such park or driveway, or for the establishment and maintenance within the limits of such park of museums, zoological or other gardens, collections of natural history, observatories or works of art, upon such trusts, and subject to such conditions as may be prescribed by the grantors or donors thereof, and agreed to by the said Board of Park Commissioners, and all property so devised, granted, bequeathed or conveyed, and the rents, issues, profits and income thereof shall be subject to the exclusive management, direction and control of the Commissioners of the Park, and when any real property shall be so acquired, it shall form a part of such park, and be managed and governed as a part thereof.

§ 2 WHEREAS, in some towns, villages and cities, park driveways ought to be

2 selected and improved forthwith, and other purposes and objects of this bill ought  
3 to be made immediately possible, therefore an emergency exists, and this act shall  
4 take effect and be in force from and after its passage.

1. Introduced by Mr. Riddle, February 20, 1879, and ordered to first reading.
2. First reading February 22, and referred to Committee on State Charitable Institutions.
3. April 9, reported back, with recommendation it be ordered to second reading. So ordered.

---

## A BILL

For an Act to appropriate money for the payment of Henry McDonnell, for materials furnished and labor performed.

---

WHEREAS, Henry McDonnell, of the city of Jacksonville, State of Illinois, in the  
2 erection of the chapel and school building connected with the Institution for the Edu-  
3 cation of the Deaf and Dumb, at said city of Jacksonville, in the year 1875, furnished  
4 materials consisting of paints, oils, lead, &c., to the amount of \$58.90, and furnished  
5 labor upon the same to the amount of \$100.00, which, with 6 per cent. interest now  
6 amounts in all to \$187.49; and Whereas, the said Henry McDonnell has not been paid  
7 for said materials so furnished, and for the labor so performed by him; and Whereas,  
8 there are no funds in the hands of the treasurer of said institution, out of which he can  
9 be paid; therefore:

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General*  
2 *Assembly, That there be appropriated out of any moneys in the treasury of the State of*  
3 *Illinois, not otherwise appropriated, the sum of \$187.49, for the payment for the said*  
4 *materials and labor so furnished by the said McDonnell.*





1. Introduced by Mr. Riddle, February 20, 1879, and ordered to first reading.
  2. First reading February 22, 1879, and referred to Committee on State Charitable Institutions.
  3. Reported back, passage recommended and ordered to second reading April 8.
  4. Second reading April 15, and referred to Committee on Appropriations.
  5. Reported back with amendments, passage recommended and ordered on file on the order of second reading, May 1.
- 

Amendments reported by Committee on Appropriations.

Amend by inserting after the word "him" in fourth line from the bottom of the

- 2 first page in written bill, the words "and, whereas, Henry Ridgely, of Springfield, furnished blinds and other materials for said building, to the amount of \$601.00, for which
- 3 he has not been paid."

- 5 Amend further by adding the words "and the sum of \$602.00 for the payment in full
- 6 of said Henry Ridgely of his claims," after the word "McDonnell" in the last line of the
- 7 written bill.

- 8 Amend further by inserting "Section 2," as follows: "The Auditor of Public Accounts is directed to draw his warrant in favor of the said Harry McDonnell and said
- 9 Henry Ridgely for the amounts named in section one of this act."

- 11 Amend title of the bill by adding to fourth line of written bill, after the word "per-
- 12 formed" the words "and for the payment of Henry Ridgely for materials furnished."
- 

**A BILL**

For an act to appropriate money for the payment of Henry McDonnell for material furnished and labor performed.

---

WHEREAS, Henry McDonnell, of the city of Jacksonville, State of Illinois, in the

2 erection of the chapel and school building connected with the Institution for the Edu-

3 cation of the Deaf and Dumb at said city of Jacksonville, in the year 1875, furnished  
4 materials consisting of paints, oils, lead, etc., to the amount of \$58 90, and furnished  
5 labor upon the same to the amount of \$100, which, with the per cent interest now  
6 amounts in all to \$127 49; and,

7 WHEREAS, The said Henry McDonnell has not been paid for said materials so fur-  
8 nished, and for the labor so performed by him; and,

9 WHEREAS, There are no funds in the hands of the treasurer of said Institution out of  
10 which he can be paid.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General*  
2 *Assembly, That there be appropriated out of any moneys in the Treasury of the State*  
3 *of Illinois not otherwise appropriated, the sum of \$127 49 for the payment for the said*  
4 *materials and labor so furnished by the said Henry McDonnell.*

1. Introduced by Mr. JOSLYN Feb. 30, 1879, and ordered to First Reading.
2. First Reading Feb. 22, and referred to Committee on Agriculture and Drainage.
3. Reported back with Amendments, Passage Recommended, and ordered to 2d reading Feb. 25, 1879.

#### AMENDMENTS TO SENATE BILL NO. 300.

1. After the word assembly in 6th line of first section, add as follows: "or any
2. state or county officer of this state holding their office, either by appoint-
3. ment or election.
1. On the end of section first, add as follows:
2. For the possession of such railroad pass shall be taken and held to be prima
3. facie evidence of corruption of such officers holding the same.

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## A BILL

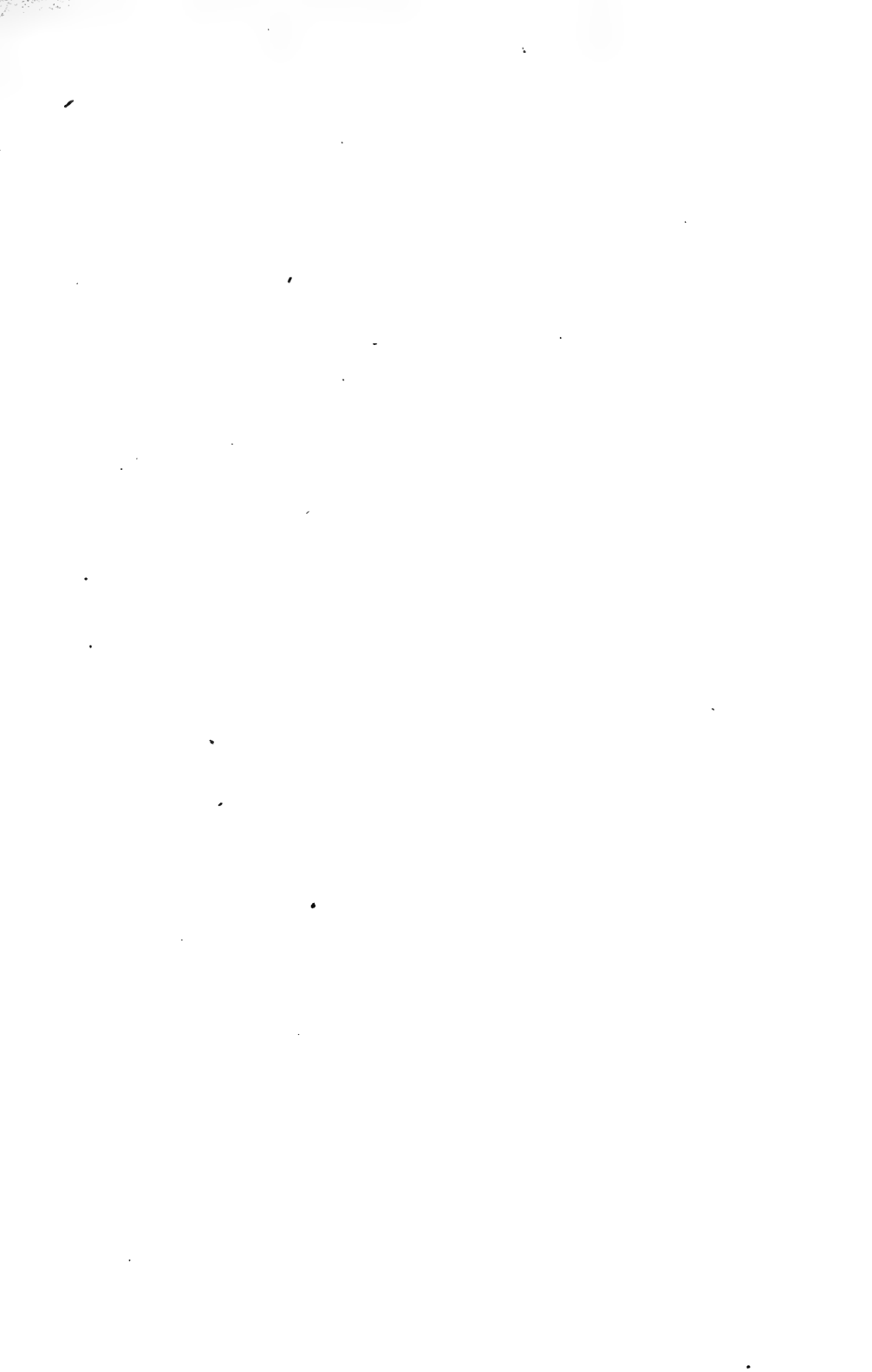
For an act to prohibit the use of Railroad passes or free commutation tickets by members of the General Assembly.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented in the*

2 *General Assembly,* That it shall be unlawful for any member of either branch of  
3 the General Assembly during his term of office to receive or accept from any rail-  
4 road company, or agent or employe thereof, any free pass or free passenger ticket  
5 or ticket at a less rate than the regular rates, over or upon any railroad in this state,  
6 and such member so receiving, accepting the same shall be guilty of a misdemeanor  
7 and upon conviction thereof shall be fined in the sum of five hundred dollars, and  
8 be deemed to have vacated his seat in the General Assembly.

§ 2. Any President, Superintendent or other officer, agent or employe of any  
2 railroad company who shall issue or deliver to any member of the General Assem-  
3 bly, any such free pass or free passenger ticket, or ticket at a less rate than the  
4 regular rates, over or upon any railroad in this state shall be deemed guilty of a  
5 misdemeanor, and shall, upon conviction, be fined in a sum not exceeding five  
6 hundred dollars.



1. Introduced by Mr. Campbell, February 20, 1879, and ordered to first reading.
2. First reading February 22, 1879, and referred to Committee on Municipalities.
3. Reported back, passage recommended, and ordered to second reading February 28, 1879.

## A BILL

For an Act to render valid leases, bailments, and conditional sales of railway rolling stock.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* In all cases where any cars, carriages, locomotives or vehicles used upon railways shall be delivered to any person or persons, or corporation, under any contract of lease, bailment or conditional sale, upon condition or reservation that the title to the same shall remain in, or not pass from, the lessor, bailor, or conditional vendor, until the payments shall be made according to the terms of the contract, such contract shall be held and considered to be good, valid and effectual, according to the terms, tenor and effect thereof, both in law and equity, as against all persons whatsoever, whenever the said contract, shall be reduced to writing, duly acknowledged, and the same filed for record, as hereinafter provided.

§ 2. The instrument of writing evidencing such contract shall be signed by the lessor, bailor, or conditional vendor, and by the lessee, bailee, or conditional vendee, or their agents, and acknowledged by one or other of them or their agents, in the same manner as provided by law for the acknowledgment of conveyances of real estate, and shall be filed for record in the Recorder's office at Springfield, in the county of Sangamon.

§ 3. Such instruments, when properly acknowledged, shall be admitted to record at the request of any person interested, upon the payment of the legal fees, without regard to the residence of the parties.

§ 4. Every contract made, acknowledged and recorded in pursuance of this act,  
may be read in evidence without further proof of the execution thereof, and when it  
shall appear by affidavit, or otherwise, that the original of such contract is lost or can-  
not be produced, a copy of any such contract, certified by the proper Recorder from  
the record thereof, may be read in evidence in the like manner and to the same effect  
as the original thereof.

§ 5. This act shall not apply to railway rolling stock leased in the ordinary way  
without condition regarding purchase and sale, nor shall it affect the legality of any  
instrument of sale or lease existing at the time of the passing of this act.

§ 6. Any and all contracts mentioned in section 1 of this act, which shall be made,  
executed, acknowledged and recorded, in pursuance of the provisions hereof, shall be  
held and considered to be full and sufficient notice to all persons whatsoever, but shall  
cease to be notice as against third persons after the expiration of one year from the  
day the last payment under such contract came due by the terms thereof.

1. Introduced by Mr. Campbell February 20, 1879, and ordered to first reading.
2. First reading February 22, and referred to Committee on Municipalities.
3. Reported back, passage recommended, and ordered to second reading February 28.
4. Second reading, amended, and ordered to third reading April 21.

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## A BILL

For an act to render valid leases, bailments, and conditional sales of railway rolling stock.

---

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* In all cases where any cars, carriages, locomotives or vehicles used upon railways shall be delivered to any person or persons, or corporation, under any contract of lease, bailment or conditional sale, upon condition or reservation that the title to the same shall remain in, or not pass from the lessor, bailor, or conditional vendor, until the payments shall be made according to the terms of the contract, such contract shall be held and considered to be good, valid and effectual, according to the terms, tenor and effect thereof, both in law and equity, as against all persons whatsoever, whenever the said contract, shall be reduced to writing, duly acknowledged, and the same filed for record, as hereinafter provided.

§ 2. The instrument of writing evidencing such contract shall be signed by the lessor, bailor, or conditional vendor, and by the lessee, bailee, or conditional vendee, or their agents, and acknowledged by one or other of them or their agents, in the same manner as provided by law for the acknowledgment of conveyances of real estate, and shall be filed for record in the recorder's office in each and every county through or into which the railway of any such lessee, bailee or conditional vendee shall run.

§ 3. Such instruments, when properly acknowledged, shall be admitted to record



2 at the request of any person interested, upon the payment of the legal fees, without re-  
3 gard to the residence of the parties.

§ 4. Every contract made, acknowledged and recorded in pursuance of this act,  
2 may be read in evidence without further proof of the execution thereof, and when it  
3 shall appear by affidavit or otherwise, that the original of such contract is lost or can-  
4 not be produced, a copy of any such contract, certified by the proper recorder from the  
5 record thereof, may be read in evidence in the like manner and to the same effect as  
6 the original thereof.

§ 5. This act shall not apply to railway rolling stock leased in the ordinary way  
2 without condition regarding purchase and sale, nor shall it affect the legality of any in-  
3 strument of sale or lease existing at the time of the passing of this act.

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(In House.)

1. Reported to House May 9, 1879.
2. First reading May 12, and referred to Committee on Railroads.
3. Reported back with amendments, passage recommended, and ordered to second reading May 14.

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Amendments to Senate Bill No. 302, offered by Committee on Railroads, May 14, 1879.

Amend section 1 by adding the following: "And it shall be the duty of the managers of all such corporations to list and return such property for taxation, the same as is done by all other railroads owning their own rolling stock in this State."

Amend by adding section 6, as follows:

"SECTION 6. Any and all contracts mentioned in section 1 of this act, which shall be made, executed, acknowledged and recorded in pursuance of the provisions hereof, shall be held and considered to be full and sufficient notice to all persons whatsoever, but shall cease to be notice as against third persons after the expiration of one year from the day the last payment under such contract came due by the terms thereof."

W. B. TAYLOR, Clerk.

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## A BILL

For an Act to render valid leases, bailments and conditional sales of railway rolling stock.

---

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* In all cases where any cars, carriages, locomotives or vehicles used upon rail-

ways shall be delivered to any person or persons, or corporation, under any contract of lease, bailment or conditional sale, upon condition or reservation that the title to the same shall remain in or not pass from the lessor, bailor or conditional vendor, until the payments shall be made according to the terms of the contract, such contract shall be held and considered to be good, valid and effectual, according to the terms, tenor and effect thereof, both in law and equity, as against all persons whatsoever, whenever the said contract shall be reduced to writing, duly acknowledged, and the same filed for record, as hereinafter provided.

§ 2. The instrument of writing evidencing such contract shall be signed by the lessor, bailor, or conditional vendor, and by the lessee, bailee, or conditional vendee, or their agents, and acknowledged by one or other of them or their agents, in the same manner as provided by law for the acknowledgment of conveyances of real estate, and shall be filed for record in the recorder's office in each and every county through or into which the railway of any such lessee, bailee or conditional vendee shall run.

§ 3. Such instruments, when properly acknowledged, shall be admitted to record at the request of any person interested, upon the payment of the legal fees, without regard to the residence of the parties.

§ 4. Every contract made, acknowledged and recorded in pursuance of this act, may be read in evidence without further proof of the execution thereof, and when it shall appear, by affidavit or otherwise, that the original of such contract is lost or cannot be produced, a copy of any such contract, certified by the proper recorder from the record thereof, may be read in evidence in the like manner and to the same effect as the original thereof.

§ 5. This act shall not apply to railway rolling stock leased in the ordinary way, without condition regarding purchase and sale, nor shall it affect the legality of any instrument of sale or lease existing at the time of the passing of this act.

1. Introduced by Mr. Dearborn February 20, 1879, and ordered to first reading.
2. First reading February 22, 1879, and referred to Committee on Judiciary.
3. Reported back, passage recommended, and ordered to second reading February 27, 1879.

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## A BILL

For an act to amend section 34 of the act entitled "An act concerning conveyances," approved March 29, 1872.

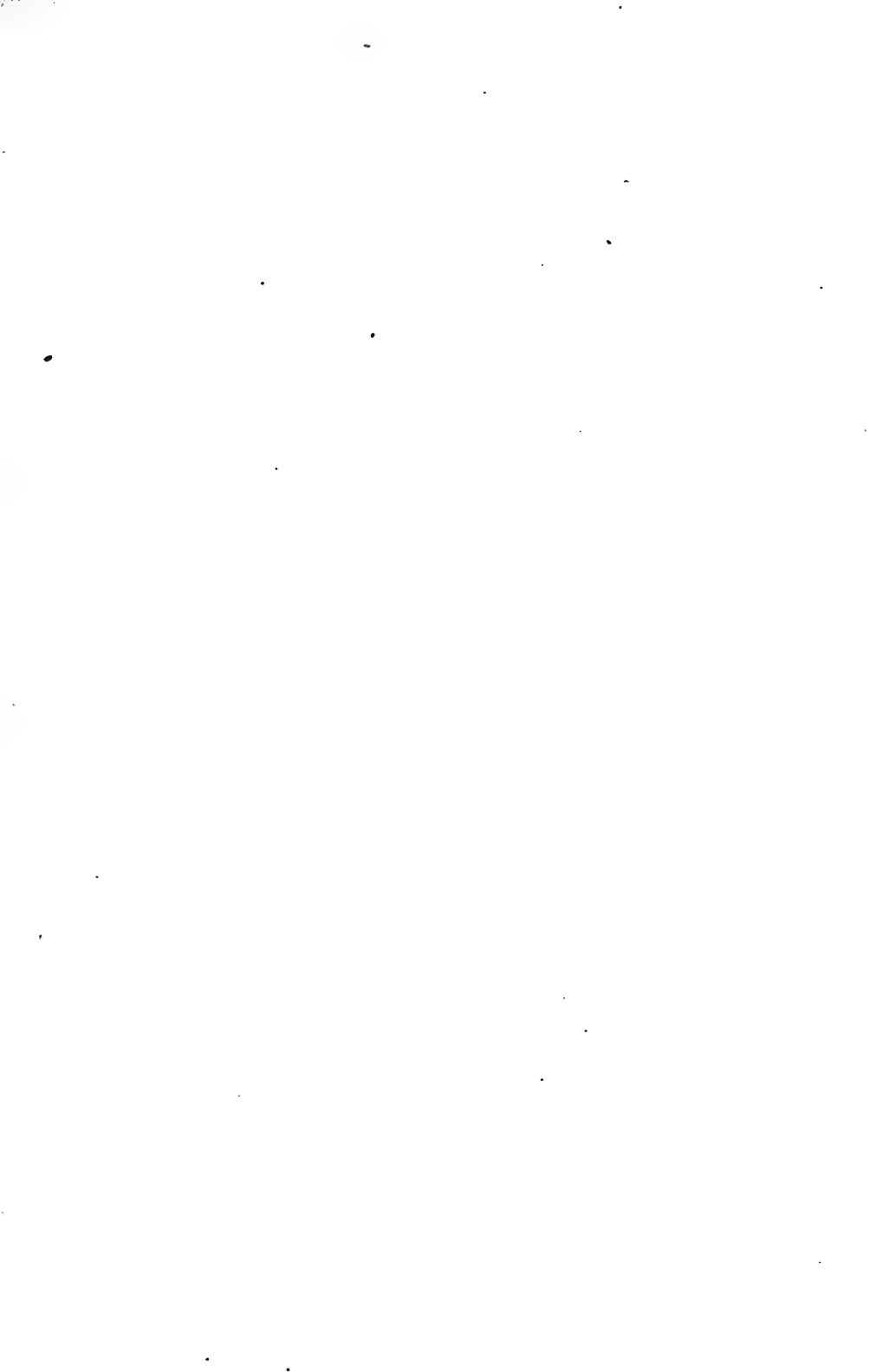
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SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General*

2 *Assembly,* That section thirty-four (34) of the act entitled "An act concerning convey-  
3 ances," approved March 29, 1872, be amended so as to hereafter read as follows :

"SECTION 34. Where in pursuance of due power vested by will executed and proved  
2 out of this State, deeds conveying lands in this State, heretofore have been or hereafter  
3 shall be executed by executors or administrators with the will annexed, duly appointed  
4 and qualified in any State of the United States, the same shall be evidence of title in  
5 the vendee or grantee, to the same extent as was vested in the testator at the time of  
6 his death, whether such will has been proved in this State or not, unless at the time  
7 of executing such deed, letters testamentary or of administration upon the estate of the  
8 deceased shall have been granted in this State and remain unrevoked.

§ 2. WHEREAS, An emergency exists by reason of great inconvenience which will  
2 be sustained by delay of the force of this act; therefore this act shall take effect and  
3 be in force from and after its passage.



(In House.)

1. Reported from Senate April 18, 1879.
2. First read April 19, and ordered to second reading.

## A BILL

For an act to amend section thirty-four (34) of the act entitled "An Act concerning conveyances," approved March 29, 1872.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That section thirty-four (34) of the act entitled "An Act concerning conveyances," approved March 29, 1872, be amended so as to hereafter read as follows:

"SECTION 34. Where, in pursuance of due power vested by will executed and proved out of this State, deeds conveying lands in this State heretofore have been or hereafter shall be executed by executors or administrators, with the will annexed, duly appointed and qualified in any State of the United States, the same shall be evidence of title in the vendee or grantee, to the same extent as was vested in the testator at the time of his death, whether such will has been proved in this State or not, unless, at the time of executing such deed, letters testamentary or of administration upon the estate of the deceased shall have been granted in this State and remain unrevoked.

§ 2. WHEREAS, An emergency exists by reason of great inconvenience which will be sustained by delay of the force of this act; therefore, this act shall take effect and be in force from and after its passage.



1. Introduced by Mr. DeLany, February 21, 1879, and ordered to first reading.
2. First reading February 22, 1879, and referred to Committee on Judiciary.
3. Reported back, passage recommended, and ordered to second reading February 28, 1879.

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## A BILL

For an Act to amend section eleven of an act entitled "An Act to establish Probate Courts in all counties having a population of one hundred thousand, or more, to define the jurisdiction thereof, and regulate the practice therein, and to fix the time for holding the same," approved April 27, and in force July 1, 1877; and to repeal section twelve of said act.

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SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That section eleven of an act entitled "An Act to establish Probate Courts in all counties having a population of one hundred thousand, or more, to define the jurisdiction thereof, and regulate the practice therein, and to fix the time for holding the same," approved April 27, 1877, be and the same is hereby amended so as to read as follows:

§ 11. Appeals may be taken from the final orders, judgments and decrees of the probate courts to the circuit courts of their respective counties in all matters wherein final orders, judgments or decrees are rendered, upon the appellant giving bond and security in such amount and upon such condition as the court shall approve, and upon such appeal the case shall be tried *de novo*.

§ 2. Section twelve of said act is hereby repealed. .





1. Introduced by Mr. White Feb. 21, 1879, and ordered to first reading.
2. First reading Feb. 22, 1879, and referred to Committee on Municipalities.
3. Reported back, passage recommended, and ordered to second reading February 23, 1879.

---

## A BILL

For an act to amend section 133 of an act entitled "An Act for the assessment of property and for the levy and collection of taxes," approved March 30, 1872.

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**SECTION 1.** *Be it enacted by the People of the State of Illinois, represented in the General*

*Assembly, That section 133 of an act entitled "An Act for the assessment of property and for the levy and collection of taxes," approved March 30, 1872, be amended so that said section 133 read as follows :*

*Every town or district collector, before he enters upon the duties of his office, and within eight days after he receives notice of the amount of taxes to be collected by him, shall execute a bond, with two or more sureties, to be approved by the county board, or by a majority of the town board of his town, as the case may require, in such amount as such county or town board shall require, not exceeding double the amount of the taxes to be collected by such collector, conditioned for the faithful execution of his duties as such collector. Signatures to such bond, signed with a mark, shall be witnessed, but in no other case shall witness be required. Said bond shall be substantially in the following form, to-wit :*

*Knew all men by these presents, that we, A. B., of the                      of                      , in the county of                      , in the State of Illinois, as town (or district) collector, and C. D. and E. F. of the said county and State, as securities, are held and firmly bound unto the People of the State of Illinois, in the penal sum of                      dollars, for the payment of which well and truly to be made, we bind ourselves, our heirs, executors and administrators, firmly by these presents.*

33 I do solemnly swear, that I will support the constitution of the United States, and the  
34 constitution of the State of Illinois, and that I will faithfully discharge the duties of  
35 the office of town (or district) collector, according to the best of my ability.

1. Introduced by Mr. Davis, February 21, 1879, and ordered to first reading.
2. First reading February 22, 1879, and referred to Committee on Corporations.
3. Reported back, passage recommended, and ordered to second reading February 27, 1879.

## A BILL

For an act to amend section eight (8) article eleven (11) of an act entitled "An act to provide for the incorporation of cities and villages," approved April 10, 1872; in force July 1, 1872.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General*

*Assembly,* That section eight of article eleven, of an act entitled "An act to provide for the incorporation of cities and villages," approved April 10, 1872; in force July 1, 1872, be amended so as to read as follows:

At the first election in each village organized under this act, there shall be elected by the qualified voters therein, six trustees: *Provided,* that at the first meeting of the trustees, after such election, the trustees elected shall be divided by lot, into two classes, those of the first class shall hold their office for one year; those of the second class shall hold their office for two years, and until their successors are elected and qualified. After the first election in villages organized under this act, there shall be elected, annually, three trustees, who shall hold their office for two years, and until their successors are elected and qualified; the trustees shall choose one of their own number president, who shall hold his office two years, and until his successor is chosen; and such village shall thenceforth be considered in law and equity a body corporate by the name and style of "the village of \_\_\_\_\_," and by such name and style may sue and be sued, contract and be contracted with, acquire and hold real and personal property necessary for corporate purposes adopt a common seal and alter the same at pleasure

18 and possess all other powers as a corporation in this act conferred upon cities not ex-  
19 ceeding five thousand inhabitants, excepting as herein otherwise provided, and where-  
20 ever the words "city council" or "mayor" occur in this act, the same shall be held to  
21 apply to the trustees and president of such village, so far as the same may be applic-  
22 able.

EMERGENCY.

23 WHEREAS, An emergency exists, which makes it necessary that this act shall take  
24 effect on or before the third Tuesday in April, A. D. 1879; therefore this act shall be  
25 in force from and after its passage.

1. Introduced by Mr. Johnson Feb. 21, 1879, and ordered to first reading.
2. First reading Feb. 22, 1879, and referred to Committee on State Charitable Institutions.
3. March 6, 1879, reported back with amendments, passage recommended, and referred to Committee on Appropriations.
4. March 14, 1879, reported back, with amendments, passage recommended, and ordered to second reading.

---

Amendments to Senate Bill No. 307, reported from the Committee on State Charitable Institutions, and Committee on Appropriations.

- Amend section one, item for the purchase of additional furniture by substituting for
- 2 the words "one thousand five hundred dollars (\$1,500)" the words "one thousand dol-
  - 3 lars (\$1,000)."

---

**A BILL**

For an act making appropriations for the Illinois Charitable Eye and Ear Infirmary.

- 
- SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General*
- 2 *Assembly*, That there be and is hereby appropriated to the Illinois Charitable Eye and
  - 3 Ear Infirmary, at Chicago, for ordinary expenses, the sum of twenty thousand dollars
  - 4 (\$20,000) per annum, payable quarterly in advance, from the first day of July, 1879,
  - 5 until the expiration of the first fiscal quarter after the adjournment of the next General
  - 6 Assembly; for repairs and improvements, one thousand five hundred dollars (\$1,500)

7 per annum ; and for the purchase of additional furniture, the sum of one thousand five  
8 hundred dollars (\$1,500) per annum.

§ 2. The moneys herein appropriated shall be drawn from the state treasury in the  
2 manner and subject to the limitations and conditions now provided by law.

- 
1. Introduced by Mr. Johnson, February 21, 1879, and ordered to first reading.
  2. First reading February 22, and referred to Committee on State Charitable Institutions.
  3. March 6, reported back with amendments, passage recommended and referred to Committee on Appropriations.
  4. March 14, reported back with amendments, passage recommended and ordered to second reading.
  5. April 9, second reading, amended and ordered to third reading.

---

**A BILL**

For an act making Appropriations for the Illinois Charitable Eye and Ear Infirmary.

---

**SECTION 1.** *Be it enacted by the people of the State of Illinois, represented in the General*  
2 *Assembly, That there be and is hereby appropriated to the Illinois Charitable Eye and*  
3 *Ear Infirmary, at Chicago, for ordinary expenses, the sum of twenty thousand dollars*  
4 *(\$20,000) per annum, payable quarterly in advance, from the first day of July, 1879,*  
5 *until the expiration of the first fiscal quarter after the adjournment of the next General*  
6 *Assembly; for repairs and improvements, one thousand five hundred dollars (\$1500)*  
7 *per annum, and for the purchase of additional furniture, the sum of one thousand dol-*  
8 *lars (\$1000) per annum.*

§ 2. The moneys herein appropriated shall be drawn from the State treasury in the  
2 manner and subject to the limitations and conditions now provided by law.





---

(In House.)

1. Reported to House April 19, 1879.
2. First reading April 19, and referred to Committee on Appropriations.
3. Reported back, passage recommended and ordered to second reading April 25.

---

## A BILL

For an act making appropriations for the Illinois Charitable Eye and Ear Infirmary.

---

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That there be and is hereby appropriated to the Illinois Charitable Eye and Ear Infirmary, at Chicago, for ordinary expenses, the sum of twenty thousand dollars (\$20,000) per annum, payable quarterly in advance, from the first day of July, 1879, until the expiration of the first fiscal quarter after the adjournment of the next General Assembly; for repairs and improvements, one thousand five hundred dollars (\$1,500) per annum, and for the purchase of additional furniture, the sum of one thousand dollars (\$1,000) per annum.

§ 2. The moneys herein appropriated shall be drawn from the State treasury in the manner and subject to the limitations and conditions now provided by law.



---

(In House.)

1. Reported to House April 19, 1879.
2. First reading April 19, and referred to Committee on Appropriations.
3. Reported back, passage recommended and ordered to second reading April 25.
4. Second reading, amended and ordered to third reading, April 30.

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Amendments to Senate Bill No. 307, adopted April 30, 1879.

- Amend by striking out of lines 3 and 4 the words and figures "twenty," and insert
- 3 the words and figures "seventeen."
  - 3 Amend by striking out in line 6 section 1, " \$1,500" and insert in lieu thereof "\$1,000."

W. B. TAYLOR, Clerk.



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1. Introduced by Mr. Hamilton, February 21, and ordered to first reading.
  2. First reading February 22, and referred to Committee on Miscellany.
  3. Reported back, passage recommended and ordered to second reading March 23.

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### A BILL

For an act to repeal an act entitled "An Act to incorporate the Heyworth School District,"  
approved March 5, 1867, in force March 5, 1867.

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- SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General*
- 2 *Assembly, That an act entitled "An Act to incorporate the Heyworth School District,"*
- 3 *approved and in force March 5, 1867, be and the same is hereby repealed.*



1. Introduced by Mr. Hamilton Feb. 21, 1879, and ordered to first reading.
2. First reading Feb. 22, 1879, and referred to Committee on Judiciary.
3. Reported back, ~~passage~~ recommended, and ordered to second reading March 8, 1879.

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### A BILL

For an act to amend sections seventy-two, eighty-eight, ninety and ninety-one of an act entitled "An Act in regard to practice in courts of record," approved February 22, 1872, as amended by an act approved June 2, 1877.

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SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That sections seventy-two, eighty-eight, ninety and ninety-one of an act entitled "An Act in regard to practice in courts of record," approved February 22, 1872, as amended by an act approved June 2, 1877, be and the same are hereby amended so that they shall read as follow :

§ 72. Authenticated copies of records of judgments, orders or decrees appealed from, shall be filed in the office of the clerk of the supreme or appellate court, as the case may be, on or before the second day of the succeeding term of said courts, except that in cases removed by appeal or writ of error from the appellate court to the supreme court, the record to be filed in the supreme court shall be the same as provided for in section ninety of this act: *Provided*, twenty days shall have intervened between the date of the judgment, order or decree appealed from and the sitting of the court to which the appeal shall be taken; but if ten days, and not twenty, shall have intervened as aforesaid, then the record shall be filed as aforesaid, on or before the tenth day of said succeeding term; otherwise, the said appeal shall be dismissed, unless further time to file the same shall have been granted by the court to which said appeal shall have been taken, upon good cause shown.



§ 88. Appeals from, and writs of error to circuit courts, and the superior court of Cook county, and city courts, in all criminal cases, and cases in which a franchise or freehold, or the validity of a statute is involved, shall be taken directly to the supreme court, in case the party appealing or prosecuting such writ of error shall so elect, excepting in cases of chancery; and in all cases of chancery heard and determined in the appellate courts, wherein an appeal is perfected, or a writ of error is prosecuted, it shall be the duty of the clerk of such appellate court to file in the clerk's office of the supreme court of this State, as provided for by law, the original papers pertaining to the cause so removed by appeal or writ of error, which may be on file in the said appellate court, and including a certified copy of the orders or decrees entered in such cases by the said appellate court.

§ 90. In all criminal cases and all cases where a franchise or freehold, or the validity of a statute is involved, and in all other cases where the sum or value in controversy shall exceed one thousand (\$1,000) dollars, exclusive of costs, which shall be heard in any of the appellate courts, upon errors assigned, if the judgment of the appellate court be that the order, judgment or decree of the court below be affirmed, or if final judgment or decree be rendered therein in the appellate court, or if the judgment, order or decree of the appellate court be such that no further proceedings can be had in the court below, except to carry into effect the mandate of the appellate court, any party to such cause shall be permitted to remove the same to the Supreme Court by appeal or writ of error in the same manner as provided in sections sixty-seven and seventy of this act, for appeals to said appellate court: *Provided*, that such appeal may be prayed for at any time within twenty days after the rendition of such judgment, order or decree, whether such appellate court be in session or not; and if such appeal be prayed for in vacation, any one or more of the judges of such appellate court may make and sign all orders necessary for the perfecting of such appeal, and the clerk shall enter up such orders as part of the record in the cause: *And provided further*, that the original papers on file in said appellate court, belonging to the case so removed, together with a certified copy of the orders and decrees of said appellate court entered in such case, shall constitute the record to be transmitted to the Supreme Court: *And provided, further*, that in all cases where the judgment, order or decree is for the recovery of money only, if the judgment, order or decree of the inferior or appellate court be affirmed by

22 the Supreme Court, or the appeal or writ of error be dismissed, the Supreme Court may  
23 enter judgment against the appellant or plaintiff in error for damages, not exceeding  
24 ten per centum on the amount of the judgment recovered, and shall award execution  
25 therefor, as on other judgments.

§ 91. It shall be the duty of the Supreme Court to direct, by general rule, what por-  
2 tion of the papers on file, and what portion of the copies of the orders and decrees  
3 entered in the appellate court, shall be transmitted to the Supreme Court in all such  
4 appealed cases, and the manner in which the same shall be certified to, except as other-  
5 wise provided in section eighty-eight, aforesaid.



1. Reported to House April 30, 1879.
2. First reading May 5, 1879, and referred to Committee on Judicial Department
3. Reported back, passage recommended, and ordered to second reading May 24, 1879

## A BILL

For An Act to amend sections eighty-eight (88), ninety (90), and ninety-one (91), of an act entitled "An act in regard to practice in courts of record," approved February 22, 1872, as amended by an act approved June 2, 1877.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That sections eighty-eight (88), ninety (90), and ninety-one (91), of an act entitled "An Act in regard to practice in courts of record," approved February 22, 1872, as amended by an act approved June 2, 1877, be and the same are hereby amended so that they shall read as follows:

§ 88. Appeals from, and writs of error to circuit courts, and the superior court of Cook county, and city courts, in all criminal cases, and cases in which a franchise or free hold, or the validity of a statute is involved, shall be taken directly to the supreme court, in case the party appealing or prosecuting such writ of error shall so elect, excepting in cases of chancery; and in all cases of chancery heard and determined in the appellate courts, wherein an appeal is perfected, or a writ of error is prosecuted, it shall be the duty of the clerk of such appellate court to file in the clerk's office of the supreme court of this State, as provided for by law, the original papers pertaining to the cause so removed by appeal or writ of error, which may be on file in the said appellate court, and including a certified copy of the orders or decrees entered in such cases by the said appellate court.

§ 90. In all criminal cases, and all cases where a franchise or freehold or the validity of a statute is involved, and in all other cases where the sum or value in controversy shall exceed one thousand (\$1,000) dollars, exclusive of costs, which shall be heard in any of the appellate courts, upon errors assigned, if the judgment of the appellate court be that the order, judgment or decree of the court below be affirmed, or if final judgment or decree be rendered therein in the appellate court, or if the judgment, order or decree of the appellate court be such that no further proceedings can be had in the court below, except to carry into effect the mandate of the appellate court, any party to such cause shall be permitted to remove the same to the Supreme Court by appeal or writ of error, in the same manner as provided in sections sixty-seven (67) and seventy (70) of this act for appeals to said appellate court: *Provided*, that such appeal may be prayed for at any time within twenty days after the rendition of such judgment, order or decree, whether such appellate court be in session or not; and if such appeal be prayed for in vacation, any one or more of the judges of such appellate court may make and sign all orders necessary for the perfecting of such appeal, and the clerk shall enter up such orders as part of the record in the cause: *And provided further*, that the original papers on file in said appellate court, belonging to the case so removed, together with a certified copy of the orders and decrees of said appellate court entered in such case, shall constitute the record to be transmitted to the Supreme Court: *And provided further*, that in all cases where the judgment, order or decree is for the recovery of money only, if the judgment, order or decree of the inferior or appellate court be affirmed by the Supreme Court, or the appeal or writ of error be dismissed, the Supreme Court may enter judgment against the appellant or plaintiff in error for damages, not exceeding ten per centum on the amount of the judgment recovered, and shall award execution therefor as on other judgments.

§ 91. It shall be the duty of the Supreme Court to direct by general rule what portion of the papers on file, and what portion of the copies of the orders and decrees entered in the appellate court, shall be transmitted to the Supreme Court in all such appealed cases, and the manner in which the same shall be certified to, except as otherwise provided in section eighty-eight (88) aforesaid.

1. Introduced by Mr. MUNN, Feb. 21, 1879, and ordered to First Reading.
2. First Reading Feb. 22, 1879, and referred to Committee on Judiciary.
3. Reported back, Passage Recommended, and ordered to Second Reading Feb. 26, 1879.

## A BILL

For an Act to amend sections 1, 2 and 3, of an Act entitled "An Act to promote the science of Medicine and Surgery in the State of Illinois," approved February 16, 1874, in force July 1, 1874.

SECTION 1. *Be it enacted by the people of the State of Illinois represented in the General Assembly,*

- 2 That sections one, two and three of an act entitled "An Act to promote the science
- 3 of medicine and surgery in the State of Illinois," approved February 16th, 1874, be
- 4 and the same are hereby amended so that they shall read as follows:

SECTION 1. It shall be lawful in any city or county of this state for wardens of

- 2 the penitentiaries, superintendents of any county poor-house, asylum or infirmary,
- 3 or the sheriff of any county having charge of the county jail, or the chief of police,
- 4 city marshal, or other city official, having charge of any city prison, or the superin-
- 5 tendent or other proper official in charge of any hospital within this state, to deliver
- 6 to the professors and teachers in medical colleges and schools in this state, or to any
- 7 two or more reputable physicians, the unclaimed body of any person who shall die
- 8 in any such penitentiary, county poor-house, asylum or infirmary, or county or city
- 9 jail or prison, or any hospital within this state, and for such professors and teachers,
- 10 or reputable physicians, to receive the body of any such deceased person upon
- 11 giving their receipt for the same to the authorities from whom it is obtained:
- 12 *Provided*, That said body shall not have been regularly interred, and shall not have
- 13 been desired for interment by any relatives or friends of said deceased person within
- 14 forty eight hours after death: and that the remains of no person who shall be
- 15 known to have relatives or friends shall be so delivered or received without the
- 16 written consent of said relatives or friends; *And, provided further*, that the remains
- 17 of no one detained for debt, or as a witness, or on suspicion of crime, or of any
- 18 traveler, shall be delivered or received, as aforesaid, but shall be buried in the usual
- 19 manner: *And provided further*, that in case the remains of any person so deliver-

20 ed and received, shall be subsequently claimed by any surviving relative for inter-  
 21 ment, they shall be delivered to such relative by the persons having possession of  
 22 the same.

§ 2. It shall be the duty of the said professors and teachers, or reputable physi-  
 2 cians, to decently bury, in some public cemetery, the remains of all bodies, after  
 3 they shall have answered the purposes of study named in the third section of this  
 4 act; and for any neglect or violation of the provisions of this act, the party so neg-  
 5 lecting shall forfeit and pay a penalty of not less than \$50, nor more than \$100, or  
 6 be imprisoned in the county jail not less than six nor more than twelve months, or  
 7 both, at the discretion of the court. Such penalties to be sued for by the health or  
 8 school officers, or any person interested therein, for the benefit of the school fund or  
 9 health department, as the case may be.

§ 3. The remains or bodies of such persons as may be so received by the profess-  
 2 ors and teachers, or reputable physicians, as aforesaid, shall be used for the purpose  
 3 of medical and surgical study alone, and in this state only; and whoever shall use  
 4 such remains for any other purpose, or shall remove such remains or bodies beyond  
 5 the limits of this state, or in any manner traffic in the same, or in any manner aid or  
 6 assist in such traffic, shall be deemed guilty of a misdemeanor, and shall on convic-  
 7 tion, be imprisoned for a term not exceeding one year in a county jail.

1. Introduced by Mr. Hoener February 21, 1879, and ordered to first reading.
2. First reading February 22, 1879, and referred to Committee on Penal and Reformatory Institutions.
3. Reported back, passage recommended, and ordered to second reading February 27, 1879.

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## A BILL

For an act to pay the indebtedness of the Southern Illinois Penitentiary, and to meet the current expenses thereof, until April 1st, A. D. 1879.

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SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the sum of thirty-five thousand (\$35,000) dollars be, and the same is hereby appropriated to pay the indebtedness and meet the current expenses of the Southern Illinois Penitentiary until April 1st, A. D. 1879. Said sum to be paid to the Commissioners of said penitentiary, out of any money in the hands of the treasurer not otherwise appropriated, on the warrant of the Auditor of Public Accounts; and the said Auditor is hereby authorized to draw his warrant on the treasurer for said sum, or any part thereof, on receiving the certificate of said Commissioners, or a majority of them, approved by the Governor, that said sum is necessary for the purposes contemplated by this act.

§ 2. It shall be the duty of said Commissioners to file with the said Auditor, vouchers, showing to whom the money herein appropriated, is paid, in what sums and for what purpose.





1. Introduced by MR. BENT Feb. 21, 1879, and ordered to first reading.
2. First reading Feb. 22, 1879, and referred to Committee on Corporations.
3. Reported back, Passage Recommended, and ordered to Second Reading. Feb. 23, 1879.

## A BILL

For an act requiring Banks and Banking Associations organized under the laws of the state to make quarterly statements and to provide for the examination of the affairs of such Banks and Banking Associations and for closing the same.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly.*

2 That every Bank or Banking Association which now is, or which may hereafter be  
3 organized and doing business, by virtue of authority granted under any special  
4 charter or general law of this state shall, as required by article eleven of the con-  
5 stitution of this state, make and publish full and accurate statements of its affairs.

§ 2. Such statements shall be made upon the call of the auditor of public accounts  
2 of this state, as provided for in section three of this act, and shall show the condition  
3 of such banks or banking as-ociation at the close of business on the day designated  
4 in such call, and shall set forth the separate amount of all specific terms of assets and  
5 liabilities as may be designated by the auditor in such call, and shall be verified by  
6 the affidavit of the president or vice-president and the secretary, treasurer or cashier  
7 (as the case may be) of such bank or banking association. Such statement shall,  
8 within ten days after the receipt of the call for the same, be forwarded to the auditor  
9 of public accounts of this state, to be by him placed on file in his office, and a true  
10 copy thereof shall immediately be published by such bank or banking association in

11 some newspaper published in the town or city where such bank or banking associa-  
 12 tion is located; and if there be no newspaper published in such town or city, then in  
 13 some newspaper published in the nearest place thereto. For each days delay of any  
 14 bank or banking association to forward their statement to the auditor beyond the ten  
 15 days allowed in this section after the receipt of the call, such bank or banking asso-  
 16 ciation shall be liable to a fine of one hundred dollars.

§ 3. It shall be the duty of the auditor of public accounts of this state as often as  
 2 once in each of the respective ~~quarters of the year~~, commencing on the first days of  
 3 January, April, July and October of each year, to call upon all banks and banking  
 4 associations organized under the laws of this state for a full and accurate statement  
 5 of the condition of their affairs, designating some past day in the particular quarter  
 6 in which the call is issued as the day for which such statement shall be made. He  
 7 shall forward a copy of such call to all such banks and banking associations, accom-  
 8 panied by a blank form of report to be prepared by him, upon which such statement  
 9 shall be made. Such blank form of statement report shall embrace such items of  
 10 specific account as refer especially to capital stock, deposits and debts of all kinds  
 11 due by such banks or banking associations, also the cash means then on hand at  
 12 at their place of business, moneys on deposit with solvent banks and bankers, sub-  
 13 ject to be drawn at sight, over-drafts, all bills, bonds, notes, mortgages and other  
 14 evidences of debt belonging to such bank or banking association, including the  
 15 amount loaned to the directors or officers of the same. The amount of value of real  
 16 estate owned by such bank or banking association, and such other specific items of  
 17 account as the auditor may deem essential to a full understanding of the true con-  
 18 dition of the affairs of such banks or banking associations. Upon the receipt by  
 19 the auditor of the statements of banks and banking associations called for in this  
 20 act, he shall place them on file in his office and they shall become a part of the  
 21 public records thereof.

§ 4. It shall be the duty of said auditor, as often as once in each year, to appoint  
 2 some competent and trustworthy agent to make a personal examination of the  
 3 affairs of each of such bank and banking associations, and to make a full and cor-  
 4 rect report in writing, under oath, of the condition of the same to the said auditor,

5 which report shall be filed in his office. Such compensation may be allowed to the  
 6 said agent as the auditor may deem proper, not exceeding ten dollars per diem for  
 7 services, and not exceeding ten cents per mile for traveling expenses, which com-  
 8 pensation shall be paid by the bank or association so examined on the certificate of  
 9 the auditor of public accounts.

§ 5. If the officers of any bank or banking association shall refuse to permit an  
 2 examination of its affairs by the examiner appointed by the auditor, it shall be the  
 3 duty of such examiner at once to report the facts to the auditor in writing, and the  
 4 auditor shall immediately upon the receipt of such report lay the same before the  
 5 attorney general, whose duty it shall be to commence suit in any proper form of  
 6 action, in any court of proper jurisdiction, against such bank or association to compel  
 7 its officers to submit to the examination of its affairs, as required by this act, or show  
 8 cause why the same should not be done.

§ 6 Whenever it shall appear from any of the reports or examinations provided  
 2 for in this act, that the affairs of any such bank or association are in an insolvent  
 3 condition, or in such a condition as to render its further continuance in business  
 4 dangerous to its depositors, stockholders, or to the public, it shall be the duty of  
 5 the auditor, at once to furnish the attorney general with all such information as may  
 6 be in his possession touching the condition of such bank or association, and the at-  
 7 torney general shall immediately, in the name of the People, take such action in  
 8 chancery or otherwise as may be necessary for the appointment of a receiver, and  
 9 the winding up of the affairs of such bank or association in such a manner as shall  
 10 best protect the interest of the depositors, the stockholders and the general public  
 11 interested in and dealing with such bank or association.

§ 7. It shall be the duty of the auditor of public accounts to embody in the re-  
 2 ports that he shall make to the governor, to be transmitted to the General Assembly  
 3 of this state, as required by article 5 of the constitution, copies of the statements of  
 4 all banks and banking associations, required by this act, that were made and filed  
 5 in his office the last quarter next preceding the meeting of the General Assembly.



1. Introduced by Mr. Bent, February 21, and ordered to first reading.
2. First reading February 22, and referred to Committee on Corporations.
3. Reported back, passage recommended and ordered to second reading February 22.
4. April 7, second reading, amended and ordered to third reading.

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## A BILL

For an act requiring Banks and Banking Associations organized under the laws of this State to make quarterly statements, and to provide for the examination of the affairs of such Banks and Banking Associations, and for closing the same.

---

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General*

2 *Assembly,* That every bank or banking association which now is or which may here-  
3 after be organized and doing business by virtue of authority granted under any special  
4 charter or general law of this State, shall, as required by article eleven (11) of the  
5 Constitution of this State, make and publish full and accurate statements of its affairs.

§ 2. Such statements shall be made upon the call of the Auditor of Public Accounts  
2 of this State, as provided for in section three of this act, and shall show the condition  
3 of such banks or banking associations at the close of business on the day designated in  
4 such call, and shall set forth the separate amounts of all specific items of assets and lia-  
5 bilities as may be designated by the Auditor in such call, and shall be verified by the  
6 affidavit of the president or vice-president, and the secretary, treasurer or cashier (as  
7 the case may be) of such bank or banking association. Such statement shall, within  
8 ten days after the receipt of the call for the same, be forwarded to the Auditor of Pub-  
9 lic Accounts of this State, to be by him placed on file in his office, and a true copy  
10 thereof shall immediately be published by such bank or banking association in some

11 newspaper published in the town or city where such bank or banking association is  
 12 located; and if there be no newspaper published in such town or city, then in some  
 13 newspaper published in the nearest place thereto. For each day's delay of any bank or  
 14 banking association to forward their statement to the Auditor, beyond the ten days al-  
 15 lowed in this section after the receipt of the call, such bank or banking association shall  
 16 be liable to a fine of one hundred dollars (\$100).

§ 3. It shall be the duty of the Auditor of Public Accounts of this State, as often as  
 2 once in each of the respective quarters of the year, commencing on the first days of  
 3 January, April, July and October of each year, to call upon all banks and banking as-  
 4 sociations organized under the laws of this State, for a full and accurate statement of  
 5 the condition of their affairs, designating some past day in the particular quarter in  
 6 which the call is issued as the day for which such statement shall be made. He shall  
 7 forward a copy of such call to all such banks and banking associations, accompanied by  
 8 a blank form of report to be prepared by him, upon which such statement shall be made.  
 9 Such blank form of statement report shall embrace such items of specific account as re-  
 10 fer especially to capital stock, deposits and debts of all kinds due by such banks or  
 11 banking associations, also the cash means then on hand at their place of business, mon-  
 12 eys on deposit with solvent banks and bankers, subject to be drawn at sight, over-  
 13 drafts, all bills, bonds, notes, mortgages and other evidences of debt belonging to such  
 14 bank or banking association, including the amount loaned to the directors or officers of  
 15 the same. The amount of value of real estate owned by such bank or banking associa-  
 16 tion, and such other specific items of account as the auditor may deem essential to a  
 17 full understanding of the true condition of the affairs of such banks or banking asso-  
 18 ciations. Upon the receipt by the auditor of the statements of banks and banking as-  
 19 sociations called for in this act, he shall place them on file in his office, and they shall  
 20 become a part of the public records thereof.

§ 4 It shall be the duty of said Auditor, as often as once in each year, to appoint  
 3 some competent and trustworthy agent to make a personal examination of the affairs  
 4 of each of such banks and banking associations, and to make a full and correct report,  
 5 in writing, under oath, of the condition of the same, to the said Auditor, which report  
 6 shall be filed in his office. Such compensation may be allowed to the said agent as the

6 Auditor may deem proper, not exceeding ten dollars (\$10) per diem for services, and  
 7 not exceeding ten cents per mile for traveling expenses; which compensation shall be  
 8 paid by the bank or association so examined, on the certificate of the Auditor of Pub-  
 9 lic Accounts.

§ 5 If the officers of any bank or banking association shall refuse to permit an ex-  
 2 amination of its affairs by the examiner appointed by the auditor, such refusal shall be  
 3 deemed a misdemeanor, and such offense shall be punished by a fine of not less than  
 4 three hundred dollars (\$300) nor more than one thousand dollars (\$1,000), to be recov-  
 5 ered by a suit in an action of debt, in the name of the People of the State of Illinois  
 6 against any such bank or banking association so refusing; such penalties when col-  
 7 lected to be paid into the State treasury, and in case of such refusal, it shall be the  
 8 duty of such examiner at once to report the facts to the auditor in writing, and the  
 9 auditor shall, immediately upon the receipt of such report, lay the same before the  
 10 attorney general, whose duty it shall be to commence suit to recover the penalty, in  
 11 the form and manner provided in this section, such suit to be commenced in any court  
 12 of competent jurisdiction in the county where such bank or banking association is  
 13 located.

§ 6. Whenever it shall appear, from any of the reports or examinations provided  
 2 for in this act, that the affairs of any such bank or association are in an insolvent con-  
 3 dition, or in such a condition as to render its further continuance in business dangerous  
 4 to its depositors, stockholders, or to the public, it shall be the duty of the Auditor, at  
 5 once, to furnish the Attorney General with all such information as may be in his pos-  
 6 session touching the condition of such bank or association; and the Attorney General  
 7 shall immediately, in the name of the People, take such action in chancery or otherwise  
 8 as may be necessary for the appointment of a receiver, and the winding up of the  
 9 affairs of such bank or association in such a manner as shall best protect the interest of  
 10 the depositors, the stockholders and the general public interested in and dealing with  
 11 such bank or association.

§ 7. It shall be the duty of the Auditor of Public Accounts to embody in the reports  
 2 that he shall make to the Governor, to be transmitted to the General Assembly of this  
 3 State, as required by article five (5) of the constitution, copies of the statements of all



4 banks and banking associations, required by this act, that were made and filed in his  
5 office the last quarter next preceding the meeting of the General Assembly.

§ 8. Any person who shall receive deposits, or shall sell and buy exchange, shall be  
3 considered as a bank or banking association, under the meaning of this act.

1. Introduced by Mr. Bent, February 21, 1879, and ordered to first reading.
2. First reading February 22, and referred to Committee on Corporations.
3. Reported back, passage recommended, and ordered to second reading February 22.
4. April 7, second reading, amended and ordered to third reading.
5. April 25, third reading, and referred to Committee on Banks and Banking.
6. May 1, reported back with amendments, passage recommended, and ordered on file on order of third reading.

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Amendments to Senate Bill No. 315, recommended by the Committee on  
Banks and Banking.

Amend by striking out section eight.

- 2 Also, amend by adding to section four the following: "*Provided*, that the entire
- 3 amount of compensation to be received by such agent or examiner, exclusive of the
- 4 actual expenses incurred by such agent or examiner in making examinations under the
- 5 provisions of this act, shall not exceed the sum of \$2500 in any one year; and all
- 6 expenses incurred by such agent or examiner shall be reported by him to the Auditor
- 7 of Public Accounts, and verified by the oath of such agent or examiner; and any such
- 8 agent or examiner who shall make a false return, and verify the same by his affidavit,
- 9 shall be liable to the penalties now provided by law for the crime of perjury."

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## A BILL

For an act requiring banks and banking associations organized under the laws of this State to make quarterly statements, and to provide for the examination of the affairs of such banks and banking associations, and for closing the same.

- 
- SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That every bank or banking association which now is or which may here-

3 after be organized and doing business by virtue of authority granted under any special  
4 charter or general law of this State, shall, as required by article eleven (11) of the con-  
5 stitution of this State, make and publish full and accurate statements of its affairs.

§ 2. Such statements shall be made upon the call of the Auditor of Public Accounts  
2 of this State, as provided for in section three of this act, and shall show the condition  
3 of such banks or banking associations at the close of business on the day designated in  
4 such call, and shall set forth the separate amounts of all specific items of assets and li-  
5 abilities as may be designated by the Auditor in such call, and shall be verified by the  
6 affidavit of the president or vice president, and the secretary, treasurer or cashier (as  
7 the case may be) of such bank or banking association. Such statement shall, within  
8 ten days after the receipt of the call for the same, be forwarded to the Auditor of Pub-  
9 lic Accounts of this State, to be by him placed on file in his office, and a true copy  
10 thereof shall immediately be published by such bank or banking association in some  
11 newspaper published in the town or city where such bank or banking association is  
12 located; and if there be no newspaper published in such town or city, then in some  
13 newspaper published in the nearest place thereto. For each day's delay of any bank  
14 or banking association to forward their statement to the Auditor, beyond the ten days  
15 allowed in this section, after the receipt of the call, such bank or banking association  
16 shall be liable to a fine of one hundred dollars (\$100).

§ 3. It shall be the duty of the Auditor of Public Accounts of this State, as often  
2 as once in each of the respective quarters of the year, commencing on the first days of  
3 January, April, July and October of each year, to call upon all banks and banking  
4 associations organized under the laws of this State, for a full and accurate statement of  
5 the condition of their affairs, designating some past day in the particular quarter in  
6 which the call is issued as the day for which the statement shall be made. He shall  
7 forward a copy of such call to all such banks and banking associations, accompanied by  
8 a blank form of report to be prepared by him, upon which such statement shall be  
9 made. Such blank form of statement report shall embrace such items of specific account  
10 as refer especially to capital stock, deposits and debts of all kinds due by such banks or  
11 banking associations, also the cash means then on hand at their place of business, mon-  
12 eys on deposit with solvent banks and bankers, subject to be drawn at sight, over-  
13 drafts, all bills, bonds, notes, mortgages and other evidences of debt belonging to such

14 bank or banking association, including the amount loaned to the directors or officers of  
 15 the same. The amount of value of real estate owned by such bank or banking associa-  
 16 tion, and such other specific items of account as the auditor may deem essential to a  
 17 full understanding of the true condition of the affairs of such banks or banking asso-  
 18 ciations. Upon the receipt by the auditor of the statements of banks and banking as-  
 19 sociations called for in this act, he shall place them on file in his office, and they shall  
 20 become a part of the public records thereof.

4. It shall be the duty of said auditor, as often as once in each year, to appoint  
 2 some competent and trustworthy agent to make a personal examination of the affairs  
 3 of each of such banks and banking associations, and to make a full and correct report,  
 4 in writing, under oath, of the condition of the same, to the said auditor, which report  
 5 shall be filed in his office. Such compensation may be allowed to the said agent as the  
 6 Auditor may deem proper, not exceeding ten dollars (\$10) per diem for services, and  
 7 not exceeding ten cents per mile for traveling expenses; which compensation shall be  
 8 paid by the bank or association so examined, on the certificate of the Auditor of Pub-  
 9 lic Accounts.

§ 5. If the officers of any bank or banking association shall refuse to permit an ex-  
 2 amination of its affairs by the examiner appointed by the Auditor, such refusal shall  
 3 be deemed a misdemeanor, and such offense shall be punished by a fine of not less than  
 4 three hundred dollars (\$300) nor more than one thousand dollars (\$1000), to be recov-  
 5 ered by a suit in an action of debt, in the name of the People of the State of Illinois,  
 6 against any such bank or banking association so refusing; such penalties, when col-  
 7 lected, to be paid into the State treasury, and in case of such refusal, it shall be the  
 8 duty of such examiner at once to report the facts to the Auditor, in writing; and the  
 9 Auditor shall, immediately upon the receipt of such report, lay the same before the  
 10 Attorney General, whose duty it shall be to commence suit to recover the penalty, in  
 11 the form and manner provided in this section, such suit to be commenced in any court  
 12 of competent jurisdiction in the county where such bank or banking association is  
 13 located.

§ 6. Whenever it shall appear, from any of the reports or examinations provided  
 2 for in this act, that the affairs of any such bank or association are in an insolvent con-  
 3 dition, or in such a condition as to render its further continuance in business dangerous

4 to its depositors, stockholders, or to the public, it shall be the duty of the Auditor, at  
5 once, to furnish the Attorney General with all such information as may be in his pos-  
6 session touching the condition of such bank or association; and the Attorney General  
7 shall immediately, in the name of the People, take such action in chancery or otherwise  
8 as may be necessary for the appointment of a receiver, and the winding up of the  
9 affairs of such bank or association in such a manner as shall best protect the interest of  
10 the depositors, the stockholders and the general public-interested in and dealing with  
11 such bank or association.

§ 7. It shall be the duty of the Auditor of Public Accounts to embody in the reports  
2 that he shall make to the Governor, to be transmitted to the General Assembly of this  
3 State, as required by article five (5) of the constitution, copies of the statements of all  
4 banks and banking associations, required by this act, that were made and filed in his  
5 office the last quarter next preceding the meeting of the General Assembly.

§ 8. Any person who shall receive deposits, or shall sell and buy exchange, shall  
2 be considered as a bank or banking association, under the meaning of this act.

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(Substitute for Senate Bill No. 3.)

1. Introduced by Mr. Taliaferro from Agriculture and Drainage Committee Feb. 21, 1879, and ordered to first reading.
2. First reading February 21, 1879.

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## A BILL

For an act entitled an act to build and construct levees for the protection of overflowed land, and for draining wet and swamp lands, coal mines, and all mines not herein mentioned, by special assessment of all lands benefitted thereby, and for sanitary purposes

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SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General*

- 2 *Assembly,* That the county courts and justices of the peace shall have power to or-  
3 ganize and establish levees, drains, and ditches, as hereinafter provided.

§ 2. That when any one or more owner or owners of land, coal mines, or any other  
2 mines, including companies and corporations in this State, shall desire a drain or  
3 drains, ditch or ditches, levee or levees, across the land of another or others, for agri-  
4 cultural, sanitary or mining purposes, or for all or any of said purposes, such person or  
5 persons, may file a petition in the county court of the county in which said levee or  
6 levees, ditch or ditches, drain or drains, shall be proposed to be constructed, setting  
7 forth the necessity of the same, with the description of its or their starting point, route  
8 and terminus, and that it is necessary for the drainage of the land or coal mine, or for  
9 sanitary or agricultural purposes, or if for a levee, that it is necessary to prevent the  
10 overflow of said land, or for either or for all said purposes, that the levee, drain or  
11 ditch or similar work be constructed, and shall set forth and give the description of  
12 the land upon which the same shall be constructed, and the land that will be benefitted

13 thereby, and the names of the owner or owners of the land upon which the same is to  
 14 be constructed, and which is to be benefitted thereby, if known, who shall be made  
 15 parties defendant thereto, and praying that the costs of such improvement may be as-  
 16 sessed against all the land benefitted thereby, and that three commissioners be appoint-  
 17 ed to lay out and construct said work; and upon the hearing of said petition, the court,  
 18 if found advisable, may allow the same, and shall appoint said commissioners, but if  
 19 said petition is not allowed, the person or persons filing the petition shall pay the costs;  
 20 but if allowed, the cost shall be paid by the commissioners from the fund raised to con-  
 21 struct and repair such work, and the same proceedings may be had in case it is desired  
 22 to repair or improve any levee, ditch, or drain already constructed: *Provided*, nothing  
 23 herein contained shall prevent the parties interested, from making any contract in writ-  
 24 ing for the construction of such drain, ditch, levee or other work, and to be acknowl-  
 25 edged and recorded as deeds of conveyances of real estate, and any contract so made,  
 26 shall run with the title to the lands affected thereby, until the same shall be annulled as  
 27 is provided for in this act.

§ 3. If the petition is for the draining of any mine, or for draining wet land, and it  
 2 is practicable for the ditch or drain to be made under the surface of the ground, the  
 3 same may be so constructed, if it be more advantageous so to do, by laying pipe tile or  
 4 boxing, made of good and substantial material, a sufficient distance under the surface  
 5 of the ground to avoid obstruction or inconvenience to the owner of the land over  
 6 which the same is located.

§ 4. Such levee, drain or ditch, when located and established, shall have perpetual  
 2 existence, unless otherwise annulled, in whole or in part, for good cause shown to said  
 3 court, upon petition made to said county court by any person or persons interested who  
 4 may feel aggrieved thereby.

§ 5. Such levee, drain or ditch shall be constructed and afterwards kept in order by  
 2 said commissioners, to be appointed by the court as aforesaid, at the time of the grant-  
 3 ing of said petition, and such other commissioners as shall be appointed by the court  
 4 from time to time, as may be found necessary, as hereinafter mentioned, who shall re-  
 5 pair to said county court all of their proceedings in the erection of, improving or repair-  
 6 ing said levee, ditch or drain, at the next regular term after the work has been done

§ 6. When a petition has been filed as provided for in the first section of this act

2 the county clerk shall cause at least two weeks notice of the pendency of said petition  
 3 by posting notices in three of the most public places in such township or townships  
 4 through which said levee or levees, drain or drains, ditch or ditches, or other works is  
 5 or are proposed to be constructed and also by publishing a copy thereof in some news-  
 6 paper published in the county in which the petition is filed and if there is no newspa-  
 7 per published in said county then said notice shall be published in a newspaper in the  
 8 nearest county to that in which said petition is filed, at least once in each week for two  
 9 successive weeks before the hearing of said petition, such notice shall state when and  
 10 in what court such petition is filed, the starting point and terminus of such levee,  
 11 drain or ditch, and the lands over which the same is proposed to be located.

§ 7. Such petition may be presented to the judge of said court, during vacation  
 2 and may be heard during vacation, and he shall note thereon, the day of the presenta-  
 3 tion of the petition to him if in vacation and the day he will hear the same, which  
 4 shall be as soon thereafter as the summons and publication can be served and made  
 5 convenient as herein mentioned and the court shall in such case order the summons and  
 6 notices to be made as herein required at the time of the presentation of said petiti-  
 7 on to the court.

§ 8. Before entering upon the duties of their office such commissioners shall take  
 2 and subscribe an oath to discharge the duties of their office without favor or partiali-  
 3 ty and to render a true account of their doings to the court whenever required by law  
 4 or by order of the court.

§ 9. They shall elect one of their number chairman, and may elect one of their  
 2 number secretary. A majority of the commissioners shall constitute a quorum, and a  
 3 concurrence of a majority of this number in any matter within their duties shall be  
 4 sufficient.

§ 10. As soon as may be after their appointment, or in such time as the court may  
 2 direct, the commissioners shall examine the land proposed to be drained or levied, and  
 3 the lands over or upon which the work is proposed to be constructed, and enquire and  
 4 determine—

6 *First.*—Whether the starting point, route and terminus of the proposed drain or  
 6 drains, ditch or ditches, or if a levee or other work is proposed, the proposed location  
 7 thereof is or are in all respects proper or most practicable.

8 *Second.*—The probable cost of the proposed work, including all incidental expenses.



9 *Third.*—What lands will be injured thereby, and the probable aggregate amount of  
10 all damages such lands will sustain by reason of the laying out and construction of the  
11 proposed work.

12 *Fourth.*—What lands will be benefited by the construction of the proposed work, and  
13 whether the aggregate amounts of benefits will equal or exceed the cost of construc-  
14 tion, including all damage, incidental expenses and costs of proceeding.

15 *Fifth.*—What levee or levees, drain or drains or other work has been made, and  
16 work done upon said land, if any, that will be benefitted and may be used in the con-  
17 struction of such levee, drain or ditch, the probable value of said work so done as  
18 aforesaid, and who did the same.

§ 11. If the commissioners shall find that such costs and expenses are more than  
2 equal to the benefits that will be bestowed upon the lands to be benefitted, they shall  
3 so report, and the proceedings shall be dismissed at the cost of the petitioners, unless  
4 the petitioners or any other person interested in said work can show by competent evi-  
5 dence that such report is erroneous.

§ 12. The commissioners shall, in case such petition is allowed, proceed to have the  
2 proper survey, profile, plans and specifications thereof made, and shall report their  
3 conclusions and submit a copy of such survey, profiles, plans and specifications to the  
4 court which appointed them, together with the cost of construction, and also return  
5 the assessment roll of benefits with said report, and said report shall be rejected by the  
6 court if it should appear that the expenses exceed the benefits; otherwise, said report  
7 shall be approved by the court, and said court may be convened at any time for the  
8 purpose of acting upon such report.

§ 13. The commissioners shall not be confined to the point of commencement route  
2 and terminus of the levees, drains or ditches, or to the number, extent or size of them,  
3 or the location, plan or extent of any levee or work proposed by the petitioners, but  
4 shall locate, designate, lay out and plan the same in such manner as they may think  
5 will drain and protect the petitioner's land and the land of all other persons concerned  
6 therein with the least damage and greatest benefit to all lands to be affected thereby,  
7 and any plans proposed by said commissioners may, on the application of any person  
8 interested, or of the commissioners, be altered, upon the order of the court, in such  
9 manner as shall appear to the court to be just.

§ 14. If, upon the hearing, the court shall be of opinion that the objections are not well taken, or if no objections shall be made, it shall order the confirmation thereof if it shall appear that the same ought to be modified, and the court shall be sufficiently informed in the premises, it shall modify the same to conform to the equities in the premises; or if not sufficiently informed, it shall order the commissioners to review and correct their report, and may make specific directions in what respect they shall reform their report; and the court may make all necessary orders in the premises, either for the continuance of the hearing, or other lawful purpose.

§ 15. If the report is referred back to the commissioners for amendment the court may fix a day when the commissioners shall again present their report in which case the hearing shall stand adjourned to that day and no further notice shall be required thereof if no day shall be fixed for such report the cause shall be continued until the next term of the court when it shall stand for hearing.

§ 16. When the report of the commissioners shall be confirmed and their assessment roll filed in court all persons whose lands are assessed shall have ten days in which to file in court objections to such assessment, and that at the expiration of the ten days allowed for filing objections, the court shall confirm the assessment according to the roll and enter judgment against the land for the sum assessed. All persons who have not filed objections to such persons who have filed objections, the court shall cause a jury to be empanelled of twelve real estate owners competent to set as jurors and possessing all the other qualifications required by law for jurors in all other cases and who shall be in no wise interested in said work, or of kin to any of the parties interested therein, who shall be sworn to faithfully and impartially perform the duties required of them to the best of their understanding and judgment and to make their assessment according to law.

§ 17. The jury may if deemed advisable in the discretion of the court proceed to examine the land to be effected by the proposed work and ascertain to the best of their ability and judgment and according to the evidence offered in the case the damages and benefits which shall be sustained, by or will accrue to the land so effected by the construction of the proposed work, and shall return their verdict specifying how much each objection to the assessment has been benefitted or damaged.

§ 18. In making such assessment the jury shall award and assess the damages and

benefits in favor of and against each tract separately in the proportion in which such tract of land shall be damaged or benefitted in a greater amount than its proportionable share of estimated cost of the work and the expenses of the proceeding nor in a greater amount than it will be benefitted by the proposed work, according to the best judgment of the jury.

§ 19. When it shall appear to the commissioners or jury, that a drain, ditch, levee or other work has been in whole or in part previously constructed for the purpose of draining any land to be effected by the work proposed under this act, and such work shall be found to be of benefit to such lands, or that any of the lands to be benefitted, have borne any part of the expenses of such previous work pursuant to any assessment, or otherwise the commissioners or jury may allow to the owner of such land and deduct from the assessment which they make against the same, the amount of the expense of such work so borne by such land or the owners or such part thereof, as will make an equality of burdens and benefits as between the several owners of the lands benefitted.

§ 20. At such hearing the court shall try the cause as in other cases, compel the attendance of witnesses and enforce order in the same manner as in other proceedings before the court, in case any jurors shall fail to appear may attach him for contempt or may impanel another in his stead.

§ 21. Such assessments shall be a lien upon said lands from the time the assessment roll is filed in court and superior to any other lien except the several taxes that are required to be levied and collected by law.

§ 22. The names of the parties making objections shall be placed upon the records and made parties defendants to the proceedings, and each party objecting shall be required to make the same in writing, and file them in the case, and the same shall be made a part of the proceedings in the case.

§ 23. If no objections shall have been filed at the expiration of the time given for filing objections or when found correct or corrected upon the hearing the court, shall confirm such assessment a certified copy of which shall be made out by the clerk and delivered to the commissioners.

§ 24. Any of the parties to the proceedings feeling themselves aggrieved, may appeal to the Circuit Court at any time within five days from the filing of the order as

3 aforesaid, by entering into such bond as may be required by the court, which shall be  
 4 sufficient to cover all damage and cost, and the case on appeal shall be tried *de novo*,  
 5 only as to the questions complained of by the parties aggrieved, and the court shall  
 6 allow or reject the same and order the case back to the County Court for further pro-  
 7 ceedings therein unless either party desire to appeal to the Appellate Court, which  
 8 they may do as in other cases of appeal to said court: *Provided*, that in no case shall  
 9 its work be stopped on account of such appeals, either to the Circuit or Appellate Court,  
 10 only as to such portions as shall be embraced in said appeal.

§ 25. At the time of the confirming of such assessments it shall be competent for  
 2 the court to order the assessment of the benefits to be made, in installments of such  
 3 amounts and at such times as shall be convenient for the accomplishment of the pro-  
 4 posed work, otherwise the whole amount of such assessments shall be payable immedi-  
 5 ately upon such confirmation, and shall be a lien upon the land assessed until paid.

§ 26. Immediately after the entry of each confirmation of the court the clerk shall  
 2 make out and certify to the commissioners a copy of such assessment roll, which shall  
 3 be made a matter of record in such court, and shall be a notice of the lien thereof to  
 4 all persons from the entry thereof.

§ 27. The commissioners upon receiving a certified copy of such assessment roll,  
 2 shall immediately cause a notice to be published for three weeks, in the manner re-  
 3 quired in section three of this act, in substance as follows:

#### 4 NOTICE OF DRAINAGE ASSESSMENT.

5 Notice is hereby given to all persons interested, that an assessment is now due for  
 6 drainage purposes for the year A. D. 18—, upon lands lying within the ——— drainage  
 7 district, in the county of ———, and State of Illinois, and that the same must be  
 8 paid to the undersigned commissioners of said drainage district, on or before the  
 9 ——— day of ———, A. D. 18—, and that in default of such payment the several  
 10 tracts of land upon which assessments remain unpaid, will be sold according to law, to  
 11 pay the amount of such assessments and costs.

12 \_\_\_\_\_,  
 13 Commissioners of Drainage District.

§ 28. If the assessment due upon said lands, shall not be paid as required by this  
 2 act, it shall be the duty of said commissioners to make out a certified list of such de-

3 delinquent lands upon which the assessments remain unpaid, and the same shall be by  
 4 him or them on or before the 10th day of March next, after the same have become  
 5 payable, returned to the county collector of the county or counties in which said lands  
 6 shall be, and when the same shall lie in different counties, a separate return shall  
 7 be made for each county of the different lands therein, and it shall be the duty of  
 8 the collector to whom any such return has been made, to transfer the amounts  
 9 thereof from such returns to the tax books in his hands, setting down therein op-  
 10 posite the respective tracts or lots in proper columns prepared for that purpose, the  
 11 amount assessed against each lot, and the like proceeding shall be had and with the  
 12 like force and effect, in the collection of such delinquent assessments, and the sale of  
 13 said lands for non-payment thereof, as in ordinary collections of State and county  
 14 taxes by county collectors, and of sales of real estate by them for such non-payment,  
 15 and of redemptions from such sales.

§ 29. Notwithstanding the returns of such delinquent list, the said commissioners  
 2 or their collector, shall be authorized to receive payment of any such delinquent as-  
 3 sessments and costs, and may give receipt for the same, but shall keep a memorandum  
 4 of the same, and on or before the day of sale fixed by said county collector, for the  
 5 sale of such lands shall present said memorandum or list to said county collector or  
 6 collectors, for the purpose of having the same checked or marked paid on the delin-  
 7 quent list in his hands, and all amounts collected by the said county collector by sales  
 8 or otherwise, after deductions of his fees, shall be paid to the commissioners on de-  
 9 mand.

§ 30. The commissioners appointed by virtue of this act shall not collect or receive  
 2 any money for the purpose therein specified, until they shall have given bond payable  
 3 to the people of the State of Illinois for the use of all persons interested in a sum not  
 4 less than twice the amount of the assessment for benefits payable in any one year with  
 5 such security as shall be approved by the judge of the court, conditioned for the faithful  
 6 application of all moneys that may be received by them as such commissioners and to  
 7 make due account thereof to the court when required, which bond shall be filed in the  
 8 court in which the proceedings are had. The court may require an additional bond  
 9 from time to time when found necessary.

§ 31. The commissioners when appointed and qualified, pursuant to this act, may

3 of lands or other person affected by any work authorized by this act, either to supply  
 4 any deficiency in any other assessment, or to repair, alter, enlarge, cleanse, protect or  
 5 maintain any ditch, levee, or other work constructed by virtue of this act.

§ 41. All complaints to recover fines provided for in this act shall be brought in  
 2 the name of the people of the State of Illinois, by warrant, for the arrest of the party,  
 3 and all fines, when collected, shall be paid over to the proper commissioners, to be  
 4 used for the work so injured, or any other portion of said work. Such complaint shall  
 5 be made on oath of the prosecutor, setting out the offense.

§ 42. In addition to the penalties provided for in this act, the person so wrongfully  
 2 and purposely filling up, obstructing, cutting, injuring, destroying or impairing the  
 3 usefulness of any such drain, ditch, levee or other works, shall be liable to the commis-  
 4 sioners having charge thereof, for all damages done to such work, for which they may  
 5 sue, as drainage commissioners, in any appropriate action, and also to the owners or  
 6 occupants of lands for all damages that may result to them by said wrongful act, which  
 7 may be recovered by them in their own name, in any court of competent jurisdiction.

§ 43. The word "ditch," when used in this act, shall be held to include a drain or  
 2 water course, and the petition for any such improvement, shall be held to include any  
 3 side, lateral spur, or branch, ditch, drain or water course necessary to be constructed to  
 4 secure the object of the improvement, whether the same be mentioned therein or not,  
 5 and this act shall extend to and include the straightening of streams and water courses  
 6 and clearing drift wood out of the same, and the making such ditches or drains as may  
 7 be found necessary to divide the overflow of any stream or water course, and streams  
 8 and water courses may be straightened, and drift wood taken out by this act. If it be-  
 9 comes necessary to construct more than one channel or branch ditch, for the flow or  
 10 discharge of water of any stream or water course, the same may be done in one peti-  
 11 tion in the same proceeding as herein mentioned or by a separate petition.

§ 44. A petition may be filed asking for a covered drain or ditch, to be laid under  
 2 the surface of the ground, with tile or boxing, or at the hearing of any petition for an  
 3 open ditch, any person interested, and having land that may be benefitted thereby, or  
 4 for sanitary purposes, may make a written application for such a covered drain to be  
 5 constructed as aforesaid, and the said commissioners may be directed to erect and con-  
 6 struct the same, if necessary

§ 45. At the hearing of the petition or at any time thereafter, if any person interested in the location of a ditch or levee make written request to change the route of the ditch or levee for his own special interest and convenience, the court may so order said change to be made, if found to be advantageous, but in all cases where such change would increase the work, the whole of the increased amount of work shall be paid by the person making such request, in case said change is so made in addition to their proper share of the balance of the ditch, unless such change will be of benefit to the general plan of such ditch and the lands through which such ditch shall be constructed.

§ 46. All ditches and drains shall at all times be kept in good order and repair by the commissioners, and all parties, persons, companies and corporations benefitted thereby, shall pay their or its proportionate amount of costs, which shall be ascertained by the commissioners, and if they and the parties bound to pay the same cannot agree, then the commissioners are to make out the amount of each assessment that each should pay in their judgment, and report the same to the court, and the court shall then make such orders thereon as may seem just and equitable.

§ 47. For the purpose of keeping any ditch or drain open and in good repair and condition that is now or may hereafter be constructed, when the same is neglected by said commissioners, any one or more resident land owners taxed for the construction thereof, or persons interested in the sanitary condition of the community, may make their statement in writing to the County Court, setting forth the necessity of cleaning and repairing such ditch, what repairs or cleaning they deem necessary, together with the estimated cost to perform the same, and if the court think it proper, shall direct the levy and collection of such amount as may be necessary to do such work, and require the commissioners to do the same.

§ 48. When a ditch, drain or levee, established and constructed under this act, drains or protects, either in whole or in part, any public or corporate road, or railroad so as to benefit any of such roads, so that the road-bed or traveled track of such road will be improved by the construction of such ditch, drain or levee, the commissioners shall apportion to the company, if a corporate road or railroad, such portions of the cost and expenses thereof as private individuals, and require them to pay such cost, and perform such labor, in like manner as individuals; and in case there is a dis-

8 agreement of such assessments, the same must be determined by the court, as in other  
9 cases.

§ 49. When any proposed ditch, drain or levee extends into more than one county,  
2 application may be made as aforesaid, to the county court of any one of such counties  
3 through which the general line of such work may run or be constructed.

§ 50. When a ditch, drain or levee has been located under the provisions of  
2 this act of sufficient capacity to carry off the water that flows to it, together with  
3 the proper drainage of the land taxed for the construction of the same, such lands  
4 shall not be again taxed or assessed for the benefit of improving any lands lying  
5 above the lands taxed for the construction thereof; and in all cases where any such  
6 ditch empties into any lower ditch above described, for the benefit of lands lying  
7 above the lower ditch, the commissioners under the direction of the court, shall  
8 levy a sufficient tax on such land benefitted by the new ditch, to enlarge such lower  
9 ditch so as to confine the water to the same level that it originally had before an  
10 additional amount of water emptied into such lower ditch for the benefit of lands  
11 lying above the lower ditch.

§ 51. The owners of all lands assessed by virtue of this act, shall be permitted  
2 under the directions of the commissioners to work out or furnish any necessary ma-  
3 terial in payment of such assessment, saving and excepting so much as will be  
4 necessary to pay the commissioners for their services, court fees, damages to land  
5 owners and other contingent expenses as will be necessary to be paid in money which  
6 amount is to be determined by the commissioners, subject, if necessary, to the consid-  
7 eration of the court in case of the disagreement of parties concerned in the payment of  
8 the same.

§ 52. That in case it is desired and the petition is for farm drainage alone, and the  
2 cost of the same will not exceed the sum of \$500, the petition may be presented to any  
3 justice of the peace in the county where said drain is proposed to be constructed, who  
4 is not interested in the work, and the same proceedings shall be had before him as pro-  
5 vided for in this act in relation to proceedings before county courts, with the exception  
6 that the answers of the defendants need not be in writing, and the number of the jury  
7 shall be six, and the provisions of this act shall apply to the proceedings before such  
8 justice in every particular, as such justice shall file a certified transcript of the assess-



ment in the recorder's office in such county in which such drain shall be situated, in the same manner as is required in proceedings in the County Court in this act, which shall be recorded by said recorder in a book to be kept for that purpose, and the same shall be notice to all persons concerned from the time the same is so filed of the matter therein contained, and all subsequent purchasers and creditors shall be bound thereby.

§ 53. In case the assessments so made before a justice of the peace herein mentioned, are not paid as is required by this act, the said commissioners shall make out a delinquent assessment list, as is required by section——of this act, and return the same to the county collector of such county, and such county collector shall proceed to collect the same, as is required by said section.

§ 54. Where there are large bodies of wet or overflowed lands, and where the work will cost \$500 and over to construct the same, a majority of the owners thereof, if they desire, may form a levee or drainage district, composed of the lands to be benefited and damaged, and no other; they may adopt a name for such district, and by such name shall sue and be sued, and transact all of their business as a body corporate; and all of the provisions of this act shall apply to such corporation in every particular. Such corporations shall have all the rights and privileges conferred by this act, and it shall be in every particular governed by this act, as individuals are, as provided herein, and its liabilities and responsibilities shall be the same.

§ 55. Such corporations, for the purpose of transacting their business, and carrying out the provisions of this act, may make and appoint such officers and persons as they may deem proper and necessary; and such corporation is hereby authorized and empowered to make such rules, regulations and by-laws as they shall deem necessary to carry out all the provisions herein delegated.

§ 56. That the act providing for the construction and protection of drains, ditches, levees and other works, approved April 27, 1871, and all other acts or parts of acts inconsistent herewith, be and the same are hereby repealed.

## Amendments to Senate Bill No. 316, recommended by Special Committee on Drainage

March 20, 1879.

Amend title by striking out the words "to build and construct levees for the protection of overflowed land."

The word "power" in 2d line, section 1, strike out, and insert the word "jurisdiction" in lieu thereof.

Strike out everything in the bill that relates to levees.

In line 5 after the word "court" in section 2, "to be heard at any of its law or probate terms."

The word "repair" in line 4 of section 5 be stricken out and insert the word "report."

Section 16, after the word "objection" in line 4, as follows: "when no objection is made" after the word "roll" in line 5, add "as to such."

After the word "persons" in same line strike out the word "who."

Strike out the words in the beginning of 6th line, "have not filed objections to such person."

Section 17, line 6, after the word "each," strike out the word "objection" and insert the word "objector."

Section 18, line 3, after the word "benefit" add, "and in no."

Section 27, strike out the entire section.

Section 37, in 3d line, after the word "same" insert "is."

Section 52, in line 8, after the word "particular" strike out the word "is" and insert "and."

Add the following at the bottom of section 52: "Such justice shall keep a full and complete record of all the proceedings before him. He shall further record the petition and verdict of the jury, the profiles, plans and specifications of the drains, together with the assessment rolls, in a well bound book to be kept by him and his successor. He shall, within ten days after the same are recorded, file in the county clerk's office in his county, the original petition, verdict, profiles, plans, specifications and assessment rolls, which shall be recorded by such clerk in a book to be kept by him for that purpose, and after the assessment rolls are filed into the office of said justice, the assessment shall become a lien on the lands assessed from the time of filing the same and

30 notice to all creditors and subsequent purchasers. Appeals may be taken from the  
31 justice of the peace to the county court within 5 days of the filing of the assessment roll  
32 into the justice's court by the persons aggrieved or any number of them, who shall join  
33 in one appeal. They shall give a good and sufficient appeal bond, to be approved by  
34 the justice in a sufficient amount to pay the costs and damages, but such appeal shall  
35 not affect any other part of the proceedings of the work to be constructed.

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(Printed as Amended.)

1. Introduced by Mr. Taliaferro, from Agriculture and Drainage Committee, Feb. 21, and ordered to first reading.
2. First reading Feb. 21, ordered to second reading.
3. March 5, referred to Committee on Judiciary.
4. March 14, reported back. Tabled.
5. March 14, taken from table and referred to Special Committee on Drainage.
6. March 20, reported back with amendments, passage recommended.
7. March 27, made special order for April 8
8. April 3, second reading, amended and made special order for April 10, at 10 a. m.

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### A BILL

For an act entitled "An Act to provide for draining wet and swamp lands, coal mines and all mines not herein mentioned, by special assessment of all lands benefitted thereby, and for sanitary purposes."

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SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General*

2 *Assembly,* That the county courts and justices of the peace shall have jurisdiction to or-  
3 ganize and establish drains and ditches, as hereinafter provided.

§ 2. That when any one or more owner or owners of land, coal mines, or any other  
2 mines, including companies and corporations in this State, shall desire a drain or drains,  
3 ditch or ditches, across the land of another or others, for agricultural, sanitary or min-  
4 ing purposes, for all or any of said purposes, such person or persons may file a petition  
5 in the county court, to be heard at any of its law or probate terms, of the county in  
6 which said ditch or ditches, drain or drains, shall be proposed to be constructed, setting  
7 forth the necessity of the same, with the description of its or their starting point,  
8 route and terminus, and that it is necessary for the drainage of the land or coal  
9 mine, or for sanitary or agricultural purposes, or is necessary to prevent the  
10 overflow of said land, or for either or for all said purposes, that the drain or

11 ditch or similar work be constructed, and shall set forth and give the description of  
12 the land upon which the same shall be constructed, and the land that will be benefited  
13 thereby, and the names of the owner or owners of the land upon which the same is to  
14 be constructed, and which is to be benefited thereby, if known, who shall be made  
15 parties defendant thereto, and praying that the costs of such improvement may be as-  
16 sessed against all the land benefited thereby, and that three disinterested commission-  
17 ers be appointed to lay out and construct such work; and upon the hearing of said  
18 petition, the court, if found advisable, may allow the same, and shall appoint said com-  
19 missioners, but if said petition is not allowed, the person or persons filing the petition  
20 shall pay the costs; but if allowed the costs shall be paid by the commissioners from  
20 the fund raised to construct and repair such work, and the same proceedings may be  
21 had in case it is desired to repair or improve any ditch or drain already constructed;  
22 *Provided*, nothing herein contained shall prevent the parties interested from making any  
23 contract in writing for the construction of such drain, ditch or other work, and to be  
25 acknowledged and recorded as deeds of conveyances of real estate, and any contract so  
26 made, shall run with the title to the lands affected thereby, until the same shall be  
27 annulled as is provided for in this act.

§ 3. If the petition is for the draining of any mine, or for draining wet land, and it  
2 is practicable for the ditch or drain to be made under the surface of the ground, the  
3 same may be so constructed, if it be more advantageous so to do, by laying pipe  
4 tile or boxing, made of good and substantial material, a sufficient distance under the  
5 surface of the ground to avoid obstruction or inconvenience to the owner of the land  
6 over which the same is located.

§ 4. Such drain or ditch, when located and established, shall have perpetual exist-  
2 ence, unless otherwise annulled, in whole or in part, for good cause shown to said court,  
3 upon petition made to said county court by any person or persons interested who may  
4 feel aggrieved thereby.

§ 5. Such drain or ditch shall be constructed and afterwards kept in order by said  
2 commissioners, to be appointed by the court as aforesaid, at the time of the granting of  
3 said petition, and such other commissioners as shall be appointed by the court from  
4 time to time, as may be found necessary, as hereinafter mentioned, who shall report to  
5 said county court all of their proceedings in the erection of, improving or repairing

6 said ditch or drain, at the next regular term after the work has been done.

§ 6. When a petition has been filed as provided for in the first section of this act  
 2 the county clerk shall cause at least two weeks' notice of the pendency of said petition  
 3 by posting notices in three of the most public places in such township or townships  
 4 through which said drain or drains, ditch or ditches, or other works is or are proposed  
 5 to be constructed and also by publishing a copy thereof in some newspaper published in  
 6 the county in which the petition is filed and if there is no newspaper published in said  
 7 county then said notice shall be published in a newspaper in the nearest county to that  
 8 in which said petition is filed, at least once in each week for two successive weeks be-  
 9 fore the hearing of said petition, such notices shall state when and in what court such  
 10 petition is filed, the starting point and terminus of such drain or ditch, and the lands  
 11 over which the same is proposed to be located.

§ 7. Such petition may be presented to the judge of said court, during vacation and  
 2 may be heard during vacation, and he shall note thereon the day of the presentation of  
 3 the petition to him, if in vacation and the day he will hear the same, which shall be as  
 4 soon thereafter as the summons and publication can be served and made convenient as  
 5 herein mentioned and the court shall in such case order the summons and notices to be  
 6 made as herein required at the time of the presentation of said petition to the court.

§ 8. Before entering upon the duties of their office such commissioners shall take  
 2 and subscribe an oath to discharge the duties of their office without favor or partiality  
 3 and to render a true account of their doings to the court whenever required by law or  
 4 by order of the court.

§ 9. They shall elect one of their number chairman, and may elect one of their  
 2 number secretary. A majority of the commissioners shall constitute a quorum, and  
 3 a concurrence of a majority of this number in any matter within their duties shall be  
 4 sufficient.

§ 10. As soon as may be after their appointment, or in such time as the court may  
 2 direct, the commissioners shall examine the land proposed to be drained, and the  
 3 lands over or upon which the work is proposed to be constructed, and enquire and de-  
 4 termine—

5 First—Whether the starting point, route and terminus of the proposed drain or

6 drains, ditch or ditches, or other work is proposed, the proposed location thereof is or  
7 or are in all respects proper or most practicable.

8 Second—The probable cost of the proposed work, including all incidental expenses.

9 Third—What lands will be injured thereby, and the probable aggregate amount of  
10 all damages such lands will sustain by reason of the laying out and construction of the  
11 proposed work.

12 Fourth—What lands will be benefitted by the construction of the proposed work, and  
13 whether the aggregate amounts of benefits will equal or exceed the cost of construc-  
14 tion, including all damage, incidental expenses and costs of proceeding.

15 Fifth—What drain or drains or other work has been made, and work done upon said  
16 land, if any, that will be benefitted and may be used in the construction of such drain  
17 or ditch, the probable value of said work so done as aforesaid, and who did the same.

§ 11. If the commissioners shall find that such costs and expenses are more than  
2 equal to the benefits that will be bestowed upon the lands to be benefitted, they shall  
3 so report, and the proceedings shall be dismissed at the cost of the petitioners, unless  
4 the petitioners or any other person interested in said work, can show by competent evi-  
5 dence that such report is erroneous.

§ 12. The commissioners shall, in case such petition is allowed, proceed to have the  
3 proper survey, profile, plans and specifications thereof made, and shall report their  
3 conclusions and submit a copy of such survey, profiles, plans and specifications to the  
4 court which appointed them, together with the cost of construction, and also return the  
5 assessment roll of benefits with said report, and said report shall be rejected by the court  
6 if it should appear that the expenses exceed the benefits; otherwise, said report shall be  
7 approved by the court, and said court may be convened at any time for the purpose of  
8 acting upon such report.

§ 13. The commissioners shall not be confined to the point of commencement, route  
3 and terminus of the drains or ditches, or to the number, extent or size of them, or the  
3 location, plan or extent of any work proposed by the petitioners, but shall locate, design-  
4 ate, lay out and plan the same in such manner as they may think will drain and pro-  
5 tect the petitioners' land, and the land of all other persons concerned therein with the  
6 least damage and greatest benefit to all lands to be affected thereby, and any plans pro-  
7 posed by said commissioners may, on the application of any person interested, or of the

the commissioners, be altered, upon the order of the court, in such manner as shall appear to the court to be just.

§ 14. If, upon the hearing, the court shall be of opinion that the objections are not well taken, or if no objections shall be made, it shall order the confirmation thereof if it shall appear that the same ought to be modified, and the court shall be sufficiently informed in the premises, it shall modify the same to conform to the equities in the premises; or if not sufficiently informed, it shall order the commissioners to review and correct their report, and may make specific directions in what respect they shall reform their report; and the court may make all necessary orders in the premises, either for the continuance of the hearing, or other lawful purpose.

§ 15. If the report is referred back to the commissioners for amendment the court may fix a day when the commissioners shall again present their report, in which case the hearing shall stand adjourned to that day and no further notice shall be required thereof, if no day shall be fixed for such report the cause shall be continued until the next term of the court, when it shall stand for hearing.

§ 16. When the report of the commissioners shall be confirmed and their assessment roll filed in court all persons whose lands are assessed shall have ten days in which to file in court objections to such assessment, and that at the expiration of the ten days allowed for filing objections, when no objection is made the court shall confirm the assessment according to the roll as to such, and enter judgment against the land for the sum assessed. All persons who have filed objections, the court shall cause a jury to be empaneled of twelve real estate owners competent to act as jurors and possessing all the other qualifications required by law for jurors in all other cases, and who shall be in no wise interested in said work, or of kin to any of the parties interested therein, who shall be sworn to faithfully and impartially perform the duties required of them to the best of their understanding and judgment and to make their assessment according to law.

§ 17. The jury may if deemed advisable in the discretion of the court proceed to examine the land to be effected by the proposed work and ascertain to the best of their ability and judgment and according to the evidence offered in the case the damages and benefits which shall be sustained, by or will accrue to the land so effected by the



5 construction of the proposed work, and shall return their verdict specifying how much  
6 each objector to the assessment has been benefitted or damaged.

§ 18. In making such assessment the jury shall award and assess the damages and  
2 benefits in favor of and against each tract separately in the proportion in which such  
3 tract of land shall be damaged or benefitted, and in no greater amount than its propor-  
4 tionable share of estimated cost of the work and the expense of the proceeding, nor  
5 in a greater amount than it will be benefitted by the proposed work, according to the  
6 best judgment of the jury.

§ 19. When it shall appear to the commissioners or a jury, that a drain, ditch or  
2 other work has been in whole or in part previously constructed for the purpose of drain-  
3 ing any land to be affected by the work proposed under this act, and such work shall  
4 be found to be of benefit to such lands, or that any of the lands to be benefitted have  
5 borne any part of the expenses of such previous work, pursuant to any assessment or  
6 otherwise, the commissioners or jury may allow to the owner of such land, and deduct  
7 from the assessment which they make against the same, the amount of the expense of  
8 such work so borne by such land or the owners, or such part thereof as will make an  
9 equality of burdens and benefits as between the several owners of the lands benefitted.

§ 20. At such hearing the court shall try the cause as in other cases, compel the at-  
2 tendance of witnesses and enforce order in the same manner as in other proceedings be-  
3 fore the court, in case any jurors shall fail to appear, may attach him for contempt, or  
4 may impanel another in his stead.

§ 21. Such assessments shall be a lien upon said lands from the time the assessment  
2 roll is filed in court, and superior to any other lien, except the several taxes that are re-  
3 quired to be levied and collected by law.

§ 22. The names of the parties making objections shall be placed upon the records  
2 and made parties defendants to the proceedings, and each party objecting shall be re-  
3 quired to make the same in writing, and file them in the case, and the same shall be  
4 made a part of the proceedings in the case.

§ 23. If no objections shall have been filed at the expiration of the time given for  
2 filing objections or when found correct or corrected upon the hearing, the court shall  
3 confirm such assessment, a certified copy of which shall be made out by the clerk and  
4 delivered to the commissioners.

§ 24. Any of the parties to the proceedings feeling themselves aggrieved, may appeal to the circuit court at any time within five days from the filing of the order as aforesaid, by entering into such bond as may be required by the court, which shall be sufficient to cover all damage and cost, and the case on appeal shall be tried *de novo*, only as to the questions complained of by the parties aggrieved, and the court shall allow or reject the same and order the case back to the county court for further proceedings therein unless either party desire to appeal to the appellate court, which they may do as in other cases of appeal to said court: *Provided*, that in no case shall its work be stopped on account of such appeals, either to the Circuit or Appellate Court, only as to such portions as shall be embraced in such appeal.

§ 25. At the time of the confirming of such assessments it shall be competent for the court to order the assessments of the benefits to be made, in installments of such amounts and at such times as shall be convenient for the accomplishment of the proposed work, otherwise the whole amount of such assessments shall be payable immediately upon such confirmation, and shall be a lien upon the land assessed until paid.

§ 26. Immediately after the entry of each confirmation of the court the clerk shall make out and certify to the commissioners a copy of such assessment roll, which shall be made a matter of record in such court, and shall be a notice of the lien thereof to all persons from the entry thereof.

§ 27. The commissioners, upon receiving a certified copy of such assessment roll, shall immediately proceed to collect such assessments in conformity with the order of such court, by making a personal demand for the same in the manner required by such order, by one or more of such commissioners or their authorized agents, and the time and place of such demand shall be noted upon such assessment roll and returned with the delinquent list to the collector of taxes as is hereinafter provided.

§ 28. If the assessment due upon said lands, shall not be paid as required by this act, it shall be the duty of said commissioners to make out a certified list of such delinquent lands upon which the assessments remain unpaid, and the same shall be by him or them on or before the 10th day of March next, after the same have become payable, returned to the county collector of the county or counties in which said lands shall be, and when the same shall lie in different counties, a separate return shall be made for each county of the different lands therein, and it shall be the duty of the col-

lector to whom any such return has been made, to transfer the amounts thereof from such returns to the tax books in his hands, setting down therein opposite the respective tracts or lots in proper columns prepared for that purpose, the amount assessed against each lot, and the like proceeding shall be had and with the like force and effect, in the collection of such delinquent assessments, and the sale of said lands for non payment thereof, as in ordinary collections of State and county taxes by county collectors, and of sales of real estate by them for such non payment, and of redemptions from such sales.

§ 29. Notwithstanding the returns of such delinquent list, the said commissioners or their collector, shall be authorized to receive payment of any such delinquent assessments and costs, and may give receipt for the same, but shall keep a memorandum of the same, and, on or before the day of sale fixed by said county collector for the sale of such lands, shall present said memorandum, or list, to said county collector, or collectors, for the purpose of having the same checked, or marked paid, on the delinquent list in his hands; and all amounts collected by the said county collector by sales or otherwise, after deductions of his fees, shall be paid to the commissioners on demand.

§ 30. The commissioners appointed by virtue of this act shall not collect or receive any money for the purpose therein specified, until they shall have given bond, payable to the people of the State of Illinois, for the use of all persons interested, in a sum not less than twice the amount of the assessment for benefits payable in any one year, with such security as shall be approved by the judge of the court, conditioned for the faithful application of all moneys that may be received by them as such commissioners, and to make due account thereof to the court when required; which bond shall be filed in the court in which the proceedings are had. The court may require an additional bond, from time to time, when found necessary.

§ 31. The commissioners, when appointed and qualified pursuant to this act, may do any and all other acts that may be necessary in and about the survey, laying out, constructing, repairing, altering, enlarging, clearing, protecting and maintaining any drain, ditch or other work for which they shall have been appointed, including all necessary bridges, crossings, embankments protections, dams, and may employ all neces-

6    sue agents and servants and enter into all necessary contracts, and as drainage commis-  
 7    sioners may sue and be sued for the purposes above mentioned, may enter into the land  
 8    through which the ditch or drain may run, and use, appropriate and occupy such por-  
 9    tion of such land, and commit such waste as may be necessary to fully and completely  
 10    carry out and perform the power herein delegated, and shall have entire control and  
 11    provision of the land taken and condemned for the purposes herein provided for.

§ 32. Any person who shall, in violation of this act, wilfully prohibit or prevent  
 2    said commissioners from entering such land for the purposes aforesaid, shall be fined  
 3    in a sum not to exceed twenty-five dollars per day for such hindrances, to be collected  
 4    as other fines are by law.

§ 33. The commissioners may borrow money, not exceeding the amount of the  
 2    assessments unpaid at the time of the borrowing, for the construction of any work they  
 3    shall be authorized to construct, and may secure the same by note or bond, bearing  
 4    interest at a rate not exceeding seven per cent. per annum, and not running beyond  
 5    one year after the last assessment, on account of which the money is borrowed shall  
 6    fall due, which notes or bonds shall not be held to make the commissioners personally  
 7    liable for the money borrowed, but shall be a lien upon the assessments for the repay-  
 8    ment of the principal and interest.

§ 34. When it shall appear that the drain or ditch, or other work has been in whole  
 2    or in part constructed for the purpose of draining or preventing an overflow on any  
 3    land to be benefitted by the construction of any work which they shall be authorized  
 4    to construct and the whole or any part of the costs of such work shall have been paid  
 5    or incurred by any person or corporation, if such work shall be valuable for the purpose  
 6    of draining the land or preventing overflow and can be useful therefor, by such com-  
 7    missioners, according to their plans, they shall allow and pay to such person or corpora-  
 8    tion the actual value therefor, for that purpose.

§ 35. All damage over and above the benefits to any tract of land shall be payable  
 2    from the amounts assessed against other lands for benefits, and shall be paid or ten-  
 3    dered to the owner thereof before the commissioners shall be authorized to enter upon  
 4    his land for the construction of any work thereon, in case the owner is known; in case  
 5    the owner is unknown, or there shall be a contest in regard to the ownership of the  
 6    land, or the commissioners cannot for any reason safely pay the same to the owner, they

7 shall deposit the same with the clerk of the court, and the clerk shall order the pay-  
 8 ment thereof to whom it shall appear to be entitled to the same, after which the com-  
 9 missioners are requested to proceed with the work.

§ 36. The commissioners shall receive for their services the sum of \$2.00 per day  
 2 for each day they shall be actually engaged in the business of their appointment, and  
 3 upon the same being allowed and certified by the county court, and they shall fix the  
 4 compensation of all other servants, agents and employes, not to exceed the ordinary  
 5 charges for the work done.

§ 37. The commissioners shall, as often as once in each year after their appointment,  
 2 and as much oftener as the court shall require, make a report to the court by which  
 3 they were appointed, showing the amount and kind of work done, and the manner in  
 4 which the same is being done.

§ 38. Any person who shall wrongfully and purposely fill up, cut, injure or destroy,  
 2 or in any manner impair the usefulness of any ditch, drain or other work constructed  
 3 for the purpose of drainage or the protection of overflow, shall be fined in any sum not  
 4 exceeding \$500, or imprisoned in the county jail not exceeding one year.

§ 39. The court may, at any time, for good cause shown, remove any commissioner  
 2 appointed by it, and appoint another in his place, and may fill all vacancies caused by  
 3 death, resignation, removal or otherwise, and may appoint a new commissioner, or  
 4 require the commissioners appointed to repair or cleanse any work, ditch or drain that  
 5 shall have been constructed.

§ 40. Any one or more new assessments may be made, in any manner hereinbefore  
 2 provided, on the suggestion of the commissioners, or a majority of them, or any owner  
 3 of lands or other person affected by any work authorized by this act, either to supply  
 4 any deficiency in any other assessment, or to repair, alter, enlarge, cleanse, protect or  
 5 maintain any ditch or other work constructed by virtue of this act.

§ 41. All complaints to recover fines provided for in this act, shall be brought in  
 2 the name of the people of the State of Illinois, by warrant, for the arrest of the party,  
 3 and all fines, when collected, shall be paid over to the proper commissioners, to be  
 4 used for the work so injured, or any other portion of said work. Such complaint shall  
 5 be made on oath of the prosecutor, setting out the offense.

§ 42. In addition to the penalties provided for in this act, the person so wrongfully

2 and purposely filling up, obstructing, cutting, injuring, destroying or impairing the  
 3 usefulness of any such drain, ditch or other works, shall be liable to the commissioners  
 4 having charge thereof, for all damages done to such work, for which they may sue, as  
 5 drainage commissioners, in any appropriate action, and also to the owners or occupants  
 6 of such for all damages that may result to them by said wrongful act, which may be  
 7 recovered by them in their own name, in any court of competent jurisdiction.

§ 42. The word "ditch," when used in this act, shall be held to include a drain or  
 2 water course, and the petition for any such improvement, shall be held to include any  
 3 side, lateral spur, or branch, ditch, drain or water course necessary to be constructed to  
 4 secure the object of the improvement, whether the same be mentioned therein or not,  
 5 and this act shall extend to and include the straightening of streams and water courses  
 6 and cleaning drift wood out of the same, and the making such ditches or drains as may  
 7 be found necessary to divide the overflow of any stream or water course, and streams  
 8 and water courses may be straightened, and driftwood taken out by this act. If it be  
 9 comes necessary to construct more than one channel or branch ditch, for the flow or  
 10 discharge of water of any stream or water course, the same may be done in one peti-  
 11 tion in the same proceeding as herein mentioned, or by separate a petition.

§ 43. A petition may be filed asking for a covered drain or ditch, to be laid under  
 2 the surface of the ground, with tile or boxing, or at the hearing of any petition for an  
 3 open ditch, any person interested, and having land that may be benefited thereby, or  
 4 for sanitary purposes, may make a written application for such covered drain to be  
 5 constructed as aforesaid, and the said commissioners may be directed to erect and con-  
 6 struct the same, if necessary.

§ 44. At the hearing of the petition, or at any time thereafter, if any person inter-  
 2 ested in the location of a ditch make written request to change the route of the ditch  
 3 for his own special interest and convenience, the court may so order said change to be  
 4 made, if found to be advantageous, but in all cases where such change would increase  
 5 the work, the whole of the increased amount of work shall be paid by the person mak-  
 6 ing such request, in case said change is so made in addition to their proper share of  
 7 the balance of the ditch, unless such change will be of benefit to the general plan of  
 8 such ditch and the lands through which such ditch shall be constructed.

§ 45. All ditches and drains shall at all times be kept in good order and repair by

2 the commissioners, and all parties, persons, companies and corporations benefitted there-  
 3 by, shall pay their or its proportionate amount of costs, which shall be ascertained by  
 4 the commissioners, and if they and the parties bound to pay the same cannot agree, then  
 5 the commissioners are to make out the amount of each assessment, that each should  
 6 pay in their judgment, and report the same to the court, and the court shall then make  
 7 such orders thereon as may seem just and equitable.

§ 47. For the purpose of keeping any ditch or drain open and in good repair and  
 2 condition that is now or may hereafter be constructed, when the same is neglected by  
 3 said commissioners, any one or more resident land owners taxed for the construction  
 4 thereof, or persons interested in the sanitary condition of the community, may make  
 5 their statement in writing to the county court, setting forth the necessity of cleaning  
 6 and repairing such ditch, what repairs or cleaning they deem necessary, together with  
 7 the estimated cost to perform the same, and if the court think it proper, shall direct  
 8 the levy and collection of such amount as may be necessary to do such work, and re-  
 9 quire the commissioners to do the same.

§ 48. When a ditch or drain established and constructed under this act, drains or  
 2 protects, either in whole or in part, any public or corporate road or railroad, so as to  
 3 benefit any of such roads, so that the road bed or traveled track of such road will be  
 4 improved by the construction of such ditch or drain, the commissioners shall apportion  
 5 to the company, if a corporate road or railroad, such portions of the cost and expenses  
 6 thereof as private individuals, and require them to pay such cost, and per-  
 7 form such labor in like manner as individuals; and in case there is a dis-  
 8 agreement of such assessments, the same must be determined by the court, as in other  
 9 cases.

§ 49. When any proposed ditch or drain extends into more than one county, appli-  
 2 cation may be made as aforesaid, to the county court of any one of such counties through  
 3 which the general line of such work may run or be constructed.

§ 50. When a ditch or drain has been located under the provisions of this act, of  
 2 sufficient capacity to carry off the water that flows to it, together with the proper drain-  
 3 age of the land taxed for the construction of the same, such lands shall not be again  
 4 taxed or assessed for the benefit of improving any lands lying above the lands taxed for  
 5 the construction thereof; and in all cases where any such ditch empties into any lower

6 ditch above described, for the benefit of lands lying above the lower ditch, the commis-  
 7 sioners under the direction of the court, shall levy a sufficient tax on such land bene-  
 8 fitted by the new ditch, to enlarge such lower ditch so as to confine the water to the  
 9 same level that it originally had before an additional amount of water emptied into  
 10 such lower ditch for the benefit of lands lying above the lower ditch.

§ 51. The owners of all lands assessed by virtue of this act shall be permitted,  
 2 under the directions of the commissioners, to work out or furnish any necessary mate-  
 3 rial in payment of such assessment, saving and excepting so much as will be necessary  
 4 to pay the commissioners for their services, court fees, damages to land owners and  
 5 other contingent expenses as will be necessary to be paid in money, which amount is to  
 6 be determined by the commissioners, subject, if necessary, to the consideration of the  
 7 court in case of the disagreement of parties concerned in the payment of the same.

§ 52. That in case it is desired, and the petition is for farm drainage alone, and the  
 2 cost of the same will not exceed the sum of \$1500, the petition may be presented to any  
 3 justice of the peace in the county where said drain is proposed to be constructed, who  
 4 is not interested in the work, and the same proceedings shall be had before him as pro-  
 5 vided for in this act in relation to proceedings before county courts, with the exception  
 6 that the answers of the defendants need not be in writing, and the number of the jury  
 7 shall be six; and the provisions of this act shall apply to the proceedings before such  
 8 justice in every particular, and such justice shall file a certified transcript of the assess-  
 9 ment in the recorder's office in such county in which such drain shall be situated in the  
 10 same manner as is required in proceedings in the county court in this act, which shall  
 11 be recorded by said recorder in a book to be kept for that purpose, and the same shall be  
 12 notice to all persons concerned from the time the same is so filed of the matter therein  
 13 contained, and all subsequent purchasers and creditors shall be bound thereby. Such jus-  
 14 tice shall keep a full and complete record of all the proceedings before him. He shall fur-  
 15 ther record the petition and verdict of the jury, the profiles, plans and specifications of the  
 16 drain, together with the assessment rolls, in a well bound book to be kept by him and his  
 17 successor. He shall, within ten days after the same are recorded, file in the county clerk's  
 18 office in his county, the original petition, verdict, profiles, plans, specifications and assess-  
 19 ment rolls, which shall be recorded by such clerk in a book to be kept by him for that  
 20 purpose, and after the assessment rolls are filed into the office of said justice, the assess-



ment shall become a lien on the lands assessed from the time of filing the same and notice to all creditors and subsequent purchasers. Appeals may be taken from the justice of the peace to the county court within five days of the filing of the assessment roll into the justice's court by the persons aggrieved or any number of them, who shall join in one appeal. They shall give a good and sufficient appeal bond, to be approved by the justice in a sufficient amount to pay the costs and damages, but such appeal shall not affect any other part of the proceedings of the work to be constructed.

§ 53. In case the assessment so made before a justice of the peace herein mentioned, are not paid as required by this act, the said commissioners shall make out a delinquent assessment list, as is required by section ——— of this act, and return the same to the county collector of such county, and such county collector shall proceed to collect the same, as is required by said section.

§ 54. Where there are large bodies of wet or overflowed lands, and where the work will cost \$500 and over to construct the same, a majority of the owners thereof, if they desire, may form a drainage district, composed of the lands to be benefited and damaged, and no other; they may adopt a name for such district, and by such name shall sue and be sued, and transact all of their business as a body corporate; and all of the provisions of this act shall apply to such corporation in every particular. Such corporations shall have all the rights and privileges conferred by this act, and it shall be in every particular governed by this act, as individuals are, as provided herein, and its liabilities and responsibilities shall be the same.

§ 55. Such corporations, for the purpose of transacting their business, and carrying out the provisions of this act, may make and appoint such officers and persons as they may deem proper and necessary; and such corporations are hereby authorized and empowered to make such rules, regulations and by-laws as they shall deem necessary to carry out all the provisions herein delegated.

§ 56. That the act providing for the construction and protection of drains, ditches, and other works, approved April 27, 1871, and all other acts or parts of acts inconsistent herewith, be and the same are hereby repealed.

1. Introduced by Mr. Kuyken fall from Committee on Fees and Salaries, February 22, 1879, and ordered to first reading
2. First reading February 22, 1879, and ordered to second reading.

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## A BILL

For an Act to amend Sections one, three, eight, ten, twelve, fourteen, eighteen, nineteen, twenty, twenty one, twenty-two, twenty-three, twenty-four, twenty eight, thirty, forty, and forty-one, of an act entitled "An Act concerning fees and salaries, and to classify the several counties of this State with reference thereto," approved March 29, 1872; in force July 1, 1872, and to add a section thereto.

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SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That Sections one, three, eight, ten, twelve, fourteen, eighteen, nineteen, twenty, twenty-one, twenty-two, twenty three, twenty-four, twenty-eight, thirty, forty, and forty-one, of an act entitled "An Act concerning fees and salaries, and to classify the several counties of this State with reference thereto," approved March 29, 1872; in force July 1, 1872, be and the same are hereby amended so as to read as follows:*

SECTION 1. That there shall be allowed and paid an annual salary, in lieu of all other salary, fees, perquisite, benefit or compensation in any form whatsoever, to each of the officers herein named, the following sums respectively.

To the Governor the sum of five thousand dollars, together with the use and occupation of the Executive Mansion.

To the Lieutenant Governor the sum of one thousand dollars; *Provided, That if the powers and duties of the office of Governor shall devolve upon the Lieutenant Governor, the Lieutenant Governor shall during the continuance of such emergency be entitled to the emoluments thereof as herein provided.*

To the Secretary of State the sum of three thousand dollars.

- 11 To the Auditor of Public Accounts the sum of three thousand dollars.
- 12 To the State Treasurer the sum of three thousand dollars.
- 13 To the Superintendent of Public Instruction the sum of three thousand dollars.
- 14 To the Attorney General the sum of three thousand dollars.
- 15 To the Adjutant General the sum of twelve hundred dollars.

§ 3. That each Judge of the Circuit Courts of this State, and each Judge of the  
 2 Superior Courts of Cook County, shall receive and be paid out of the State treasury  
 3 of this State, an annual salary of three thousand dollars (\$3,000), dollars, in lieu of  
 4 all other compensation, perquisite or benefit in any form whatsoever: *Provided*, That  
 5 the provisions of this act shall not prevent the payment of such additional compen-  
 6 sation to the Judges of the Circuit and Superior Courts of Cook County, out of the  
 7 treasury of said county as is or may be provided by law.

§ 8. The States Attorneys to be hereafter elected shall also be allowed the following  
 2 fees: On each conviction where the crime is punished by death, fifty dollars; where  
 3 the crime is punished by confinement in the penitentiary, twenty dollars; and five  
 4 dollars each on all other convictions.

5 Ten per cent. upon all moneys (except revenue) collected by them and paid over to  
 6 the State or any county which sum together with the trial fees that cannot be col-  
 7 lected from the parties convicted, shall be paid out of any fines and forfeited recog-  
 8 nizances collected by them. In each case of forfeited recognizances, when the for-  
 9 feiture is set aside at the instance of the defendants, except where such forfeiture has  
 10 been erroneously or irregularly entered, in addition to the ordinary costs, the sum of  
 11 five dollars shall be collected as the States Attorneys fees.

12 In cases of indictment for false imprisonment, or wilful and malicious mischief,  
 13 where the petit jury shall return with their verdict of "not guilty," that the prosecutor  
 14 acted maliciously in the premises, the sum of three dollars, to be taxed and collected  
 15 as other costs.

16 The sum of five dollars upon each examination in the Circuit Court of a party  
 17 bound over to keep the peace, and the sum of ten dollars upon the trial of any per-  
 18 son under the provisions of the laws concerning bastardy.

§ 10. There shall be paid to the Secretary of State the following fees:

- 2 For certificate, with seal, seventy-five cents.

- 3 For each certificate without seal, twenty-five cents.
  - 4 For each commission to any officer or other person (except military commissions)
  - 5 with seal, one dollar.
  - 6 For copies of exemplifications of records with seal, for each one hundred words,
  - 7 ten cents.
  - 8 For copies of bills or other papers with certificate under seal, for each one hundred
  - 9 words, ten cents.
  - 10 For receiving and filing articles of association, corporations or consolidations, each
  - 11 one dollar.
  - 12 For issuing each license, one dollar.
- § 12. The fees of the clerks of the Supreme Court and of clerks of the Appellate
- 2 Courts, for any service to be rendered by them, shall be as follows:
  - 3 For administering each affidavit, with certificate, ten cents.
  - 4 For entering an attorney on the roll, administering oath and certifying the same
  - 5 with seal, one dollar.
  - 6 For each official certificate and seal, other than process of court, twenty-five cents.
  - 7 For each official certificate without seal other than to affidavits or oaths, twenty
  - 8 cents.
  - 9 For taking and filing bonds, fifty cents.
  - 10 For copy of a record or other papers in his office, for each one hundred words, ten
  - 11 cents.
  - 12 For copy of bill of costs when requested by either party, twenty-five cents.
  - 13 For making a complete record when directed by either party for each one hundred
  - 14 words, ten cents.
  - 15 For putting any cause on the docket, ten cents.
  - 16 For entering each rule or order of the court, except an order of continuance,
  - 17 twenty cents.
  - 18 For entering each continuance from one term to another, ten cents.
  - 19 For entering sheriff's return on any writ, execution, mandamus or other special pro-
  - 20 cess, for each one hundred words, ten cents.
  - 21 For entering a judgment or decree, for each one hundred words, ten cents.
  - 22 For entering a bill of cost in cost book, twenty-five cents.

- 23 For filing record and all other papers, three cents each.
- 24 For administering each oath or affirmation, not otherwise provided for, five cents.
- 25 For each writ of error and seal with supersedeas, one dollar.
- 26 For each writ of error and seal without supersedeas, fifty cents.
- 27 For each subpoena, twenty-five cents.
- 28 For each *scire facias*, *mandamus* and other special process, for each one hundred
- 29 words, ten cents.
- 30 For bringing into court, on request, any record of a suit, matter or thing, not in
- 31 court, twenty-five cents.

§ 14. Fees of the clerk of the Circuit Court in counties of the first and second class, shall be as follows :

- 3 For capias, summons, subpoena or other process not herein expressly named, and
- 4 sealing same, in counties of the first class, twenty-five cents ; in counties of the second
- 5 class, twenty cents : *Provided*, that only one subpoena shall be charged for every four
- 6 witnesses, unless actually made out on request, in writing.
- 7 For filing each paper in the progress of a suit and appertaining to the same, in
- 8 counties of first and second class, three cents.
- 9 For taking appeal bond and issuing supersedeas on appeals from a justice of the
- 10 peace, in counties of the first class, forty cents ; in counties of the second class, thirty
- 11 cents.
- 12 For taking bond for costs, approving and filing same, in counties of the first and
- 13 second class, fifteen cents.
- 14 For filing and opening each deposition, in counties of the first and second class, five
- 15 cents.
- 16 For docketing suit, each time, in counties of the first and second class, ten cents.
- 17 For entering each motion, order, or rule of court for a continuance, default, or to
- 18 plead, or any order actually entered, in counties of the first and second class, ten
- 19 cents.
- 20 For discontinuance, retraxit or non-suit, in counties of the first class, fifteen cents ;
- 21 in counties of the second class, ten cents.
- 22 For each *dedimus* to take depositions, in counties of the first class, seventy-five cents ;
- 23 in counties of the second class, fifty cents.

- 24 For bringing into court any particular record of a suit, matter, or thing, not prop-  
 25 erly before the court, in counties of the first and second class, ten cents.
- 26 For calling and swearing each jury in counties of the first class, twenty cents; in  
 27 counties of the second class, fifteen cents.
- 28 For swearing each witness in court in counties of the first and second class, five  
 29 cents.
- 30 For swearing any person to an affidavit and filing the same, in counties of the first  
 31 class, ten cents; in counties of the second class, ten cents.
- 32 For receiving and entering the verdict of a jury, in counties of the first class, fifteen  
 33 cents; in counties of the second class, ten cents.
- 34 For entering final judgment in each case, in counties of the first and second class,  
 35 twenty-five cents.
- 36 For entering each decree in chancery, for every one hundred words, in counties of  
 37 the first class, twelve cents; in counties of the second class, ten cents.
- 38 For indexing each case entered upon the records of court, ten cents.
- 39 For assessing damage on any bond, note or other instrument for the payment of  
 40 money, by the order of court, and making a report thereof in writing, and filing the  
 41 same in counties of first class, twenty cents; in counties of second class, fifteen cents.
- 42 For issuing each writ of *habeas corpus*, *certiorari* or *procedendo*, in counties of the  
 43 first class, forty cents; in counties of the second class, thirty cents.
- 44 For entering special bail of record, in counties of the first class, twenty-five cents;  
 45 in counties of the second class, twenty cents.
- 46 For making list of jurors, when requested, in counties of the first class, twelve  
 47 cents; in counties of the second class, ten cents.
- 48 For swearing constable to take charge of a jury, in counties of the first and second  
 49 class, five cents.
- 50 For issuing an execution, in counties of the first class, twenty-five cents; in coun-  
 51 ties of the second class, twenty cents.
- 52 For docketing the same in counties of the first and second class, ten cents.
- 53 For entering sheriff's return of same, in counties of the first and second class, ten  
 54 cents.
- 55 For entering satisfaction of judgment, in counties of the first and second class, ten  
 56 cents.

57 For entering satisfaction of cost bill, in counties of the first and second class, five  
58 cents.

59 For entering the report of commissioners, of referees, or the award of arbitrators,  
60 and all other special entries, for every one hundred words, in counties of the first  
61 class, ten cents; in counties of the second class, eight cents.

62 For each certificate and seal, other than on process, in counties of the first class,  
63 twenty-five cents; in counties of the second class, twenty cents.

64 For taking attachment bond, injunction bond, or bond in case of appeal to Supreme  
65 or Appellate Court, in counties of the first class, forty cents; in counties of the second  
66 class, thirty cents.

67 In counties of the first and second class for entering appearance of plaintiff by him-  
68 self or attorney, ten cents; and for entering appearance of defendant, by himself or  
69 attorney, ten cents; to be charged but once in each cause.

70 For each attachment for a witness or other person, in counties of the first class,  
71 twenty five cents; in counties of the second class, twenty cents.

72 For making bill of costs, and entering same of record in fee book, being one charge,  
73 in counties of the first class, thirty cents; in counties of the second class, twenty  
74 cents.

75 For each *scire facias*, or jury warrant, when actually made out, in counties of the  
76 first class, thirty cents; in counties of the second class, twenty cents.

77 For copy of bill of cost, when required by either party, in counties of the first class,  
78 twenty cents; in counties of the second class, fifteen cents.

79 For making up a complete record of proceedings and judgment, when directed by  
80 the court, for every one hundred words, in counties of the first class, twelve cents; in  
81 counties of the second class, eight cents.

82 For making copies of bills, answers, declarations, pleadings, judgments, or other  
83 proceedings, for every one hundred words, in counties of the first class, ten cents; in  
84 counties of the second class, eight cents.

85 For certifying and sealing same, when required in writing, in counties of the first  
86 class, twenty five cents; in counties of the second class, twenty cents.

87 For each commission *scire facias*, or other special writ or process and sealing the  
88 same, for every one hundred words, in counties of the first class, ten cents; in coun-

89. ties of the second class, eight cents.

90 For taking depositions when requested, and certifying to and sealing the same, for  
91 every one hundred words, in counties of the first class, ten cents; in counties of the  
92 second class, eight cents.

93 For taking each recognizance in court, and entering the same of record, in coun-  
94 ties of the first class, forty cents; in counties of the second class, thirty cents.

95 For arraigning prisoner at the bar, in counties of the first class, forty cents; in  
96 counties of the second class, thirty cents.

97 For entering judgment of conviction, in counties of the first class, forty cents; in  
98 counties of the second class, thirty cents.

99 For a copy of indictment when requested, for every one hundred words, in counties  
100 of the first class, ten cents; in counties of the second class, eight cents.

101 For entering the discharge of a recognizance, in counties of the first class, fifteen  
102 cents; in counties of the second class, ten cents.

1 3 For swearing person to declaration of intention to become a citizen, and filing the  
104 same in counties of the first and second class, twenty-five cents.

105 For copy of the same with certificate and seal, in counties of the of first and second  
106 class, twenty five cents.

107 For making entry of record and naturalization and for a copy thereof, or either, in  
108 counties of the first and second class, forty cents.

109 For taking acknowledgment of deed or other writing with seal, in counties of first  
110 and second class, twenty five cents.

111 For recording any deed or other instrument in writing for every one hundred  
112 words, in counties of the first class, ten cents; in counties of the second class, eight  
113 cents; and the certificate to be made by the recorder of the recording a deed or other  
114 writing, and the date of recording the same, signed by the clerk shall be deemed suf-  
115 ficient evidence of the recording thereof, and for which including indexing said in-  
116 strument, there shall be charged a fee of twenty cents in all counties of the first and  
117 second class.

118 For copies of records, the same fees as for recording.

119 For indexing each suit in court, in counties of the first class, ten cents; in counties  
120 of the second class, eight cents.



121 For docketing judgment, in counties of the first class, fifteen cents; in counties of  
122 the second class, ten cents.

123 For entering each tract in entry book of conveyance, in counties of the first class,  
124 eight cents; in counties of the second class, five cents.

125 For recording every city, town or assessors plat, each lot or tract of land included  
126 in said plat, in counties of the first class, ten cents; in counties of the second class,  
127 eight cents, when the number of lots does not exceed twenty, and for each additional  
128 lot, five cents.

129 For entering each tract of land or town lot named, in any one deed above five, in  
130 the entry book, in counties of the first and second class, five cents.

131 And it is hereby expressly provided that no charge whatever, shall be made for any  
132 application, or motion made in court or to said clerk in proceedings before the court,  
133 and that no charge whatever shall be made for any order of the court, other than  
134 what is in this section expressly authorized.

§ 18. The fees of the clerk of the County Court, to be charged and collected from

2 the proper persons as costs, shall be as follows :

3 For taking proof of any will or testament, and endorsing certificate of probate  
4 thereon, including all services relating thereto, in counties of the first class, forty  
5 cents; in counties of the second class, thirty cents.

6 For recording last will and testament, for every one hundred words, in counties of  
7 the first class, ten cents; in counties of the second class, eight cents.

8 For issuing letters of administration, or letters testamentary, and affixing seal  
9 thereto and recording same, in counties of first class, sixty-five cents; in counties of  
10 second class, fifty cents.

11 For taking bond of an executor or administrator, and administering oath, in coun-  
12 ties of first class, fifty cents; in counties of second class, forty cents.

13 For taking and filing renunciation of widow or next of kin, in counties of the first  
14 and second class, ten cents.

15 For taking proof of codicil when proven separately, and indorsing certificate of pro-  
16 bate thereon, including all services relating thereto, in counties of the first class, fifty  
17 cents; in counties of the second class, forty cents.

18 For recording the same, for every one hundred words, in counties of the first class,

19 ten cents; in counties of the second class, eight cents.

20 For recording settlement of executors, administrators and guardians, for every one  
21 hundred words, figures included, in counties of the first class, ten cents; in counties  
22 of the second class, eight cents.

23 For copy of settlement, with certificate and seal, for every one hundred words, in  
24 counties of the first class, ten cents; in counties of the second class, eight cents.

25 For copies or exemplifications of copies and papers, for every one hundred words,  
26 in counties of first class, ten cents; in counties of the second class, eight cents.

27 For official certificate and seal other than on process, and for which no fee is allowed  
28 by law, in counties of the first class, twenty-five cents; in counties of second class,  
29 twenty cents.

30 For each summons, citation, subpoena, or other writ or process of court, and sealing  
31 the same, and for which no other fee is allowed, in counties of the first class, twenty-  
32 five cents; in counties of the second class, twenty cents.

33 For administering oath to each witness in court, five cents in all counties of the first  
34 and second class.

35 For swearing any person to an affidavit, and filing the same, in counties of first class,  
36 ten cents; in counties of second class, eight cents.

37 For entering each judgment, order, or decree, and counting the whole entry as one,  
38 in counties of first class, twenty cents; in counties of second class, fifteen cents: *Pro-*  
39 *vided*, that no charge shall be made for allowing claims against estates except for  
40 swearing to and filing affidavits, unless the claim be litigated as other suits.

41 For docketing each claim against estates, ten cents, in counties of the first and sec-  
42 ond class.

43 For issuing each execution in counties of the first class, twenty-five cents; in coun-  
44 ties of the second class, twenty-five cents.

45 For docketing same, ten cents, in all counties of first and second class.

46 For entering sheriff's return on same, ten cents, in all counties of first and second  
47 class.

48 For making bill of cost and recording the same, being one charge, in counties of  
49 the first class, twenty cents; in counties of second class, fifteen cents.

- 50 For filing each paper belonging to the settlement of estates or suits pending, three  
51 cents, in all counties of first and second class.
- 52 For appraisement bills, sale bills, and all other exhibits and writings, except  
53 wills and codicils, when ordered to be recorded by the court, and not otherwise, for  
54 every one hundred words, in counties of first class, ten cents; in counties of second  
55 class, eight cents.
- 56 For issuing and sealing letters of guardianship and recording same in counties of  
57 first class, fifty cents; in counties of second class, forty cents.
- 58 For taking bond of guardian, or for taking any bond not hereinbefore specified and  
59 filing and recording the same in counties of the first class, fifty cents; in counties of  
60 the second class forty cents.
- 61 For calling and swearing each jury, ten cents; in counties of the first class and  
62 eight cents in counties of the second class.
- 63 For writing indenture to be paid by master, twenty-five cents in all counties of first  
64 and second class.
- 65 For each license and taking bond for ferry, toll, bridge, turnpike, road, tavern, gro-  
66 cery or peddler, one dollar, in counties of first and second class.
- 67 For issuing each marriage licence, sealing and recording the same, and the certi-  
68 cate thereto, one charge in all counties of first and second class, one dollar.
- 69 Each copy of rates for ferry, toll bridge, or turnpike road, twenty-five cents, in  
70 counties of first and second class.
- 71 For each writ of *ad quod damnum* in counties of the first and second class, fifty  
72 cents.
- 73 For each dedimus to prove will or otherwise, fifty cents.
- 74 For taking depositions and certifying to the same for every one hundred words in  
75 counties of the first class, ten cents; in counties of the second class, eight cents.
- 76 For taking and certifying the acknowledgment of a deed, power of attorney or  
77 other writing, and sealing the same, twenty-five cents, in counties of first and second  
78 class.
- 79 For taking proof in cases of estrays, and granting certificate of the same, in coun-  
80 ties of first class, twenty-five cents; in counties of second class, twenty cents.
- 81 For registering each certificate transmitted to him by justice of the peace in cases

82 of estrays, ten cents, in counties of first and second class.

83 For advertising in such cases, including the copy for newspaper publication, in  
84 counties of first class, forty cents, in counties of second class, thirty cents.

85 Trying and sealing weights and measures by standard, fifty cents, in counties of  
86 first and second class.

87 For keeping a regular account current with each and every administrator, execu-  
88 tor, guardian or conservator, to be kept in a well bound book furnished for that pur-  
89 pose, in counties of first and second class, forty cents for each settlement.

90 For canceling tax sale and issuing and sealing certificate of redemption, twenty-five  
91 cents, in counties of the first and second class.

92 The following fees shall be audited by the county board and paid from the county  
93 treasury :

94 For making transcript of taxable property for the assessor, one cent for each tract  
95 of land and town lot, in counties of the first and second class.

96 For copying assessors return of taxable property on collectors books, and extending  
97 valuation by assessor and State and county boards of equalisation, in separate col-  
98 umns, and computing and extending State and county tax thereon, for each tract of  
99 land, (being one charge) each town lot, and each persons personal tax, in counties of  
100 the first and second class, five cents.

101 For computing and extending school tax, and each other tax or special assessment  
102 on each tract or town lot, or valuation of personal property, for each extension, one  
103 cent, in counties of the first and second class.

104 For examining and correcting the assessors returns, for making abstracts of same  
105 for the board of supervisors and State Auditor, for making abstracts of taxes levied on  
106 collectors books, and for Auditors office, and for computing the accounts of the county  
107 treasurer with the county, and making settlement with such treasurer, the county  
108 board or county court, as the case may be, shall allow such reasonable compensation  
109 as may be just and right for such services.

110 For entering the list of lands and town lots returned by the State Auditor on the  
111 tract book, for each tract, one cent, in all counties of the first and second class.

112 For filing each paper appertaining to the county business (except assessors' dupli-

cate of taxable property for which no charge shall be made), five cents, in all counties  
of first and second class.

For attending the sessions of the county court or county board, the sum of \$2.50  
per day for such attendance.

For recording proceedings of the board of supervisors or county court, in county  
business, or making copies of such proceedings, for every one hundred words, in coun-  
ties of first class, ten cents; in counties of second class, eight cents.

For recording miscellaneous instruments and papers required by law to be recorded  
in the county records, and for making copies of such records, or of such papers of file,  
for each one hundred words, in counties of first class, ten cents; in counties of second  
class, eight cents.

For issuing each certificate of appointment to road supervisors, in counties of the  
first and second class, twenty-five cents.

There shall be no fees allowed to county clerks for making election returns, abstracts  
of elections or for other business connected with the administration of the county not  
otherwise provided for in this act, but the county board or county court, as the case  
may be, shall allow for such services an *ex officio* fee, not exceeding one hundred dol-  
lars per annum: *Provided, however, that whenever the county clerk shall be required*  
*to perform similar service to those required of circuit clerks and no fee is specially*  
*provided for such service, they shall be allowed for such service the same fees as herein*  
*allowed to circuit clerks.*

The following fees shall be allowed for services attending the sale of land for taxes,  
and shall be charged as costs against the delinquent property and be collected with  
the taxes thereon.

For making list of delinquent lands and town lots for judgments, for each tract or  
town lot, two cents in all counties of first and second class.

For making list of delinquent lands and town lots on precept and sale, and re-  
demption records, for each tract, two cents, and each town lot, one cent, including  
every service therein.

For services in attending the tax sale and issuing certificates of sale and sealing the  
same, for each tract or town lot sold, twenty-five cents in all counties of first and sec-  
ond class.

145 For making list of delinquent lands and town lots sold, to be filed with the State

146 Auditor, two cents for each tract of land, and one cent for each town lot.

§ 19. The fees of sheriffs in counties of the first and second class, shall be as follows:

2 For serving a writ or summons on each defendant, in counties of first class, fifty  
3 cents; in counties of second class, forty cents.

4 For serving chancery summons and copy or writ of injunction, and copy, in counties  
5 of first class, seventy-five cents; in counties of second class, fifty cents.

6 For taking special bail, twenty-five cents, in each county.

7 For serving a subpoena on each witness, in counties of first class, twenty-five cents;  
8 in second class, twenty cents.

9 For advertising property for sale, fifty cents, in all counties.

10 For returning each writ or other process, ten cents; mileage, for each mile actual  
11 and necessary travel to serve any such writ or process aforesaid, five cents each way,  
12 calculating from the place of holding court, to the residence of the party served: *Pro-*  
13 *vided*, that when two or more writs or other process are, or may be served by one  
14 trip, mileage shall only be charged for the distance actually and necessarily traveled  
15 in serving all such writs, and all the parties named therein, said mileage to be charged  
16 *pro rata* on the several writs so served.

17 For serving each juror, in counties of the first class, twenty-five cents; second class,  
18 twenty cents; mileage each way in all counties.

19 For serving notice of executions, or levying an execution, or serving attachment,  
20 in counties of first class, fifty cents; in second class, forty cents; and mileage five  
21 cents each way, per mile, in all counties.

22 For taking possession of and removing property levied on, the officer shall be allow-  
23 ed to tax the actual costs of such possession or removal.

24 For serving and returning a *scire facias*, to revive a judgment, to foreclose a mort-  
25 gage, or against bail, in counties of the first class, fifty cents; in second class, forty  
26 cents.

27 For committing each prisoner to jail, in all counties, fifty cents.

28 For discharging each prisoner from jail, in counties of first and second class, fifty  
29 cents.

30 For dieting each prisoner, such compensation to cover the actual costs as may be

31 fixed by the county board, but such compensation shall not be considered a part of  
32 the fees of the office.

33 For attending before a judge with a prisoner on a writ of *habeas corpus*, in counties  
34 of the first and second class, two dollars and fifty cents per day.

35 For each mile of necessary travel in taking such prisoner before the judge as afore-  
36 said, five cents each way.

37 For serving a writ of possession with the aid of *posse committatus*, one dollar.

38 For serving same without such aid, fifty cents in all counties; mileage in either case  
39 for each mile of necessary travel, five cents each way.

40 For executing a writ of *ad quod damnum*, attending the inquest and returning the  
41 writ with the verdict of the jury, two dollars.

42 For attending the Circuit Courts and County Court, to be allowed and paid out of  
43 the county treasury, two dollars and fifty cents per day, and two dollars per day when  
44 attending County Court setting for probate business at request of the judge, the time  
45 to be certified by the judge.

46 For executing and acknowledging a deed on sale of real estate, in counties of first  
47 class, one dollar; second class, one dollar.

48 For making certificate of sale, and making and filing duplicate, in counties of first  
49 class, for each, fifty cents; second class, forty cents.

50 For making certificate of redemption, fifty cents in all counties.

51 For certificate of levy and filing, fifty cents in all counties, and the fee for recording  
52 shall be advanced by plaintiff in execution, and charged up as costs.

53 For taking all bonds on legal process, in counties of first class, sixty-five cents;  
54 second class, fifty cents.

55 For executing *capias*, in criminal cause, where the offense is infamous, in counties  
56 of first and second class, two dollars, and mileage for each mile of necessary travel, five  
57 cents each way.

58 For executing *capias*, where the offense is not infamous, in counties of first class,  
59 seventy-five cents; second class, fifty cents, mileage for each mile of necessary travel,  
60 five cents each way.

61 For executing requisitions from other states, the same compensation as in executing  
62 *capias* in criminal causes where the offense is infamous.

63 For conveying each prisoner from his own county to the jail of a foreign county  
64 per mile, for going only, twenty-five cents.

65 For committing each prisoner to jail under the laws of the United States, to be  
66 paid by the marshal or other person requiring his confinement, fifty cents in all coun-  
67 ties.

68 For dieting such prisoner per day in counties of the first class, seventy-five cents ;  
69 in second class, sixty-five cents, to be paid by the marshal or other person requiring  
70 his confinement.

71 For discharging such prisoner in counties of first and second class, fifty cents.

72 For carrying convicts to the penitentiary or the reform school from any county the  
73 following fees payable out of the State treasury, viz : Where only one convict is con-  
74 veyed, at and after the rate of twenty cents for each and every mile necessarily trav-  
75 eled in going to the penitentiary or the reform school, from the place of conviction.  
76 Where two convicts are conveyed by the said sheriff at the same time, he shall re-  
77 ceive at and after the rate of twenty cents per mile for first, and fifteen cents per  
78 mile for the second convict. Where two or more are conveyed at the same time to  
79 the penitentiary or the reform school, as aforesaid, he shall be allowed twenty cents  
80 per mile for the first, and fifteen cents per mile for the second, and ten cents per mile  
81 for each of the residue.

82 For conveying any person to or from the charitable institutions of this State, when  
83 properly committed by some competent authority, twenty cents per mile.

84 For conveying a convict from the penitentiary to the county jail when required by  
85 law, twenty-five cents per mile.

86 For attending Supreme Court per day, two dollars. In addition to the above  
87 fees, there shall be allowed to the several sheriffs in this State, a commission of two  
88 per centum on all sales of real and personal estate which shall be made by virtue of  
89 any execution, or any decree of a court of chancery, where the money arising from  
90 such sales shall not exceed two hundred dollars; but in all cases where the amount of  
91 such sale shall exceed that sum, then one per cent commission on the excess only shall  
92 be allowed: *Provided*, that in all cases where the execution shall be settled by the  
93 parties, replevied, stopped by injunction or paid, or where the property levied upon  
94 shall not be actually sold, the sheriff shall be allowed his fee for levying and mileage,



95 together with half the commission on all money collected by him, which he would be  
 96 entitled to if the same was made by sale on execution, and no other fees or compensa-  
 97 tion whatever, shall be allowed on any execution, except the necessary expenses for  
 98 keeping personal property to be ascertained and allowed by the court out of which the  
 99 same shall be issued. In all criminal cases where the defendant shall be acquitted or  
 100 otherwise legally discharged without payment of costs, the sheriff shall be paid such  
 101 fees from the county treasury: *Provided*, that no such fees shall be paid to the sheriff  
 102 from the county treasury, when the fees collected by him during each year shall equal  
 103 the compensation or salary allowed him by the county board: *And provided further*,  
 104 that no more of such fees shall in any case be paid from the county treasury than  
 105 shall be sufficient, with the fees collected, to make the salary or compensation of said  
 106 sheriff. In all cases where any of the sheriffs of this State shall be required by law to  
 107 execute any sentence of punishment, other than imprisonment, for which no fee is al-  
 108 lowed by this act, it shall be the duty of the county board of the proper county to al-  
 109 low a reasonable compensation for the same, to be paid out of the county treasury,  
 110 not exceeding one hundred dollars. It shall be the duty of each sheriff entitled to  
 111 mileage under this act, to indorse on each writ, summons, subpoena or other process  
 112 that he may execute, the distance he may travel to execute the same, ascertaining the  
 113 distance and the charge properly allowable therefor, in conformity with the foregoing  
 114 regulations.

§ 20. The fees of Masters in Chancery, shall be as follows:

- 2 For administering oaths and signing *jurat*, when not taking evidence or depositions,
- 3 ten cents.
- 4 For taking acknowledgement or proof of any deed or other written instrument,
- 5 twenty-five cents.
- 6 For taking depositions and certifying for every one hundred words, ten cents.
- 7 For taking and reporting testimony under order of court, the same fee as for taking
- 8 depositions.
- 9 For computing the amount due, on which to render a decree, and making report
- 10 thereof to the court, where no oral evidence is taken, one dollar.
- 11 For examining questions of law and fact in issue by the pleadings, and reporting

12 conclusions of law and fact, whenever specially ordered by the court, a sum not ex-  
13 ceeding five dollars.

14 For making sales and deeds thereon, the same fees and allowance as sheriffs, but in  
15 no suit or other proceeding, shall such fee and commission exceed one hundred dol-  
16 lars, for making a deed alone, in other cases, when required by order or decree of  
17 court, one dollar.

18 For report of sale in every suit or proceeding, when a sale is had, one dollar.

19 For hearing and deciding application for writs of *ne exeat* or injunction to be ad-  
20 vanced by the complainant, and taxed with the cost, two dollars.

21 For ordering or refusing to order a writ of *habeas corpus* or *certiorari*, one dollar.

22 And no other fee or allowance whatever shall be made for services by Masters in  
23 Chancery.

§ 21. County Collectors shall be allowed a commission on all money collected by  
2 them and paid over to the proper officer, of two per cent, in counties of the first class;  
3 of one per cent, in counties of the second class: *Provided*, that in counties having  
4 adopted township organization, county collectors shall be allowed on moneys paid  
5 over to them by township collectors, as commission on such moneys, in counties of  
6 first class, only one per cent; in counties of second class, only one half of one per cent.  
7 In addition to the foregoing, said collectors shall be allowed in their settlement of  
8 State tax with the Auditor, ten cents per mile for each mile of necessary travel in go-  
9 ing to and returning from the seat of government, for the purpose of paying over such  
10 tax.

11 They shall also be allowed for making list of delinquent real estate to be filed with  
12 the county clerk for judgment, two cents for each tract or lot, a like fee for making  
13 delinquent lists for the printer; and for selling lands and town lots, five cents for each  
14 tract of land, and three cents for each lot to be charged and collected as costs.

§ 22. For printer, for advertising delinquent lists, in all counties, for each tract of  
2 land, ten cents; for each town lot, five cents, to be taxed and collected as costs.

3 No costs except printer's fee shall be charged on any lands or lots forfeited to the  
4 State.

§ 23. County treasurer's shall be allowed, in counties of the first and second class,  
2 one per cent. for receiving, and one per cent. for paying out all moneys, county orders

3 and jury certificates received and paid out by them; but in no county shall such treas-  
 4 urer be allowed any compensation for paying over to a successor, or receiving money  
 5 from a predecessor: *Provided*, that in counties having adopted township organiza-  
 6 tion, no county treasurer shall receive any fees for receiving moneys as county treasu-  
 7 rer, for which he has received a fee as county collector, as provided in section twenty  
 8 of this act.

9 For each day actually employed in making assessment in counties not under town-  
 10 ship organization, three dollars.

§ 24. The fees of county surveyors shall be, for all official services, five dollars per  
 1 day for each day necessarily employed, and for testing scales, a reasonable sum for  
 2 transportation from and to the county seat, of the necessary apparatus for making the  
 3 test, when requested by the owner.

§ 28. The fees of notaries public shall be as follows:

2 For taking acknowledgment of a deed or mortgage, power of attorney or other  
 3 writing, with certificate under seal, twenty-five cents.

4 For noting a bond or promissory note, or bill of exchange for protest, twenty-five  
 5 cents.

6 For protesting bond or bill of exchange, fifty cents.

7 For noting protest, twenty-cents.

8 For noting marine protest and furnishing one copy thereof, one dollar.

9 For extending marine protest and furnishing one copy thereof, two dollars; for  
 10 each additional copy, seventy-five cents.

11 For giving notice to drawees and indorsees, fifteen cents each.

12 For any other certificate, under seal, twenty-five cents.

13 For administering oath to an affidavit, ten cents.

14 For taking depositions, for each one hundred words, ten cents.

§ 30. Each commissioner appointed to make partition of real estate, or to assign  
 2 dower, except county surveyors, shall receive one dollar per day for each day neces-  
 3 sarily employed as such commissioner, to be taxed as costs in the suit; and commis-  
 4 sioners to make sales in such cases, shall be allowed the same fees as Masters in  
 5 Chancery.

§ 40. Fees of justices of the peace and police magistrates in counties of the first

2 and second class, shall be as follows :

3 For taking and certifying acknowledgment of a deed, mortgage, power of attorney,  
4 or other writing, twenty-five cents.

5 For acknowledgment of chattel mortgage, twenty-five cents, and fifteen cents for  
6 each folio over one hundred words for docketing the same.

7 For administering oath to affidavit, when drawn by justice, thirty-five cents.

8 For administering oath to affidavit, when not drawn by justice, ten cents.

9 For taking each bond, thirty cents.

10 For taking bail, fifty cents.

11 For each certificate required to be made, when not part of any other act, thirty  
12 cents.

13 For taking each complaint in writing, under oath, thirty-five cents.

14 For docketing each suit, twenty cents.

15 For taking depositions, for each one hundred words, ten cents.

16 For issuing *delinquis* to take deposition of witnesses, forty cents.

17 For entering verdict of jury, ten cents.

18 For entering judgment, twenty cents.

19 For issuing each execution, twenty cents.

20 For entering continuance, or any other order in the case, ten cents.

21 For entering each appeal, twenty cents.

22 For entering satisfaction of judgment, ten cents.

23 For entering the award of referees, twenty-five cents.

24 For administering oaths and trial, making all entries in cases of *estrays*, and mak-  
25 ing and transmitting a certificate thereof to the county clerk, one dollar.

26 For each marriage ceremony performed and certificate thereof, two dollars.

27 For each *notinus*, twenty-five cents.

28 For giving each notice, twenty cents.

29 For administering oath, five cents.

30 For each summons or warrant, twenty-five cents.

31 For each subpoena, fifteen cents.

32 For each *venire*, in all cases, twenty cents.

- 33 For each *scire facias*, twenty-five cents.
- 34 For issuing each attachment or writ of possession, forty cents.
- 35 For taking recognizances, and returning the same, forty cents.
- 36 For transcript in change of venue, forty cents.
- 37 For transcript of judgment and proceedings in cases of appeal, fifty cents.
- 38 For transcript of judgment to obtain lien on real estate, fifty cents.
- 39 For the trial of all contested cases in counties of the first and second class, a per  
40 diem of two dollars, except in cases of judgment by confession or default. In all  
41 counties of the first and second class the fees of the justices of the peace, police magis-  
42 trates, constables, jurors and witnesses in criminal cases, shall be the same as those  
43 allowed for similar services in civil cases; and in all criminal cases where the fees  
44 cannot be collected of the party convicted, or where the prosecution fails, the county  
45 board may, in its discretion, direct that the cost of the prosecution, or so much thereof  
46 as shall seem just and equitable, shall be paid out of the county treasury: *Provided*,  
47 that the costs in criminal and *quasi* criminal prosecutions for violation of an ordinance  
48 of an incorporated city or town, where the provisions of the charters of such towns or  
49 cities do not prohibit the payment of such costs, may be paid by such city or town, in  
50 the discretion of the city council or board of trustees of such incorporated cities or  
51 towns.

§ 41. Fees of constables, in counties of first and second class, for any service to  
2 be rendered by them, shall be as follows:

- 3 For advertising property for sale, fifty cents.
- 4 For attending trial and waiting on a jury, fifty cents.
- 5 For each day's attendance in the circuit court, when required, to be paid out of the  
6 county treasury, two dollars.
- 7 For taking and approving replevin bond, fifty cents.
- 8 For taking and approving forthcoming bond or special bail, fifty cents.
- 9 Commissions on sales not exceeding ten dollars, eight per cent, and on the excess of  
10 that amount, four per cent; and in cases when an execution in the hands of any con-  
11 stable shall be settled by the parties or paid, or when the property levied on shall not  
12 be sold by reason of such settlement or payment, the constable shall be allowed four  
13 per cent on the first ten dollars, and two per cent on the excess.

14 Constables shall be allowed reasonable charges, to be fixed by the justice, for re-  
 15 moving and taking care of property levied on by them, which in no case shall exceed  
 16 the actual expense incurred.

17 For mileage when serving a warrant, summons, subpoena or other process, five  
 18 cents per mile each way, for actual distance traveled by the officer making such ser-  
 19 vice; but in no case shall mileage be charged for a greater distance than the distance  
 20 from the justice office to the residence of each person served; and where two or more  
 21 persons are served at the same time, or by the same visit of the officer, by the same  
 22 process or by any process in the same suit or proceeding, mileage shall only be  
 23 charged on one service.

24 For mileage in taking a person to jail, from the office of the justice, ten cents per  
 25 mile, and all actual and necessary expenses incurred, to be paid out of the county  
 26 treasury.

27 For serving and returning a summons, twenty-five cents; warrant for each person  
 28 served, fifty cents.

29 For serving and returning a writ of replevin or attachment, for each person served  
 30 forty cents.

31 For serving a subpoena, for each person served, twenty-five cents.

32 For serving a venire, fifty cents.

33 For serving a writ of restitution in cases of forcible entry and detainer, one dollar,  
 34 and necessary expenses of assistants, to be determined by the justice.

35 For serving and returning each execution, forty cents.

36 For serving mittimus forty cents.

37 For serving a warrant on appraisers in cases of estrays, twenty-five cents.

§ 2. That there be added to said act the following section, and the same be desig-  
 2 nated as section number fifty-three:

3 SECTION 53. If any officer whatsoever shall fail or neglect to comply with any of  
 4 the provisions of this act, or shall take greater or other fees than are hereinbefore ex-  
 5 pressed and limited for any service to be done by him, or if any officer shall charge or  
 6 demand and take any of the fees hereinbefore ascertained, where the business for  
 7 which such fees are chargeable, shall not have been actually done or performed, or if  
 8 any officer shall charge or demand any fee for any service or services other than those

9 expressly provided for by this act, such officer shall forfeit and pay to the party in-  
10 jured, one hundred dollars, to be recovered, as debts of the same amount are re-  
11 coverable.

§ 3. WHEREAS, The term of office of some of the officers whose salaries are  
2 changed by this act expire before the first day of July, 1879, and their successors are  
3 elected before that date, therefore an emergency exists, and this act shall take effect  
4 and be in force from and after its passage.

1. Introduced by Mr. Kordendall from Committee on Fees and Salaries, Feb. 22, 1879, and ordered to first reading.
2. First reading February 21, 1879, and ordered to second reading.
3. March 12, second reading.
4. March 27, amended and ordered to third reading.

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## A BILL

For an Act to amend sections one, three, eight, ten, twelve, eighteen, twenty-one, twenty-two, twenty-three, twenty-four, twenty-eight and thirty of an act entitled "An Act concerning fees and salaries, and to classify the several counties of this State with reference thereto," approved March 29, 1872, in force July 1, 1872, and to add a section thereto.

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SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That sections one, three, eight, ten, twelve, eighteen, twenty-one, twenty-two, twenty-three, twenty-four, twenty-eight and thirty, of an act entitled "An act concerning fees and salaries, and to classify the several counties of this state with reference thereto," approved March 29, 1872; in force July 1, 1872, be and the same are hereby amended so as to read as follows:

SECTION 1. That there shall be allowed and paid an annual salary, in lieu of all other salary, fees, perquisites, benefit or compensation, in any form whatsoever to each of the officers herein named, the following sums respectively:

To the Governor the sum of six thousand dollars, together with the use and occupation of the Executive Mansion.

To the Lieutenant Governor the sum of one thousand dollars; *Provided*, That if the powers and duties of the office of Governor shall devolve upon the Lieutenant Governor, the Lieutenant Governor shall, during the continuance of such emergency, be entitled to the the emoluments thereof as herein provided.



- 10 To the Secretary of State the sum of three thousand dollars.
- 11 To the Auditor of Public Accounts the sum of three thousand dollars.
- 12 To the State Treasurer the sum of three thousand dollars.
- 13 To the Superintendent of Public Instruction the sum of three thousand dollars.
- 14 To the Attorney General the sum of three thousand dollars.
- 15 To the Adjutant General the sum of fifteen hundred dollars.

§ 3. That each Judge of the Circuit Courts of this State, and each Judge of the  
 2 Superior Courts of Cook County, shall receive and be paid out of the State treasury  
 3 of this State, an annual salary of of thirty-five hundred dollars (\$3,500), in lieu of all  
 4 other compensation, perquisite or benefit in any form whatsoever: *Provided*, that the  
 5 provisions of this act shall not prevent the payment of such additional compensation  
 6 to the Judges of the Circuit and Superior Courts of Cook County, out of the treasury  
 7 of said county as is or may be provided by law.

§ 8. The State's Attorneys to be hereafter elected in all counties of the first and  
 2 second class, shall also be allowed the following fees: On each conviction where the  
 3 crime is punished by death, fifty dollars; where the crime is punished by confinement  
 4 in the penitentiary, twenty dollars; and five dollars each on all other convictions:  
 5 *Provided*, that nothing in this act shall be so construed as to either increase or dimin-  
 6 ish the fees, perquisites or compensation of the State's Attorney of Cook county.

7 Ten per cent upon all moneys, except revenue, collected by them and paid over to  
 8 the State or any county, which sum, together with the trial fees that cannot be col-  
 9 lected from the parties convicted, shall be paid out of any fines and forfeited recog-  
 10 nizances collected by them. In each case of forfeited recognizances, when the for-  
 11 feiture is set aside at the instance of the defendants, except where such forfeiture has  
 12 been erroneously or irregularly entered, in addition to the ordinary costs, the sum of  
 13 five dollars shall be collected as the State's Attorneys fees.

14 In cases of indictment for false imprisonment, or wilful and malicious mischief,  
 15 where the petit jury shall return with their verdict of "not guilty," that the prosecutor  
 16 acted maliciously in the premises, the sum of three dollars, to be taxed and collected  
 17 as other costs.

18 The sum of five dollars upon each examination in the circuit court of a party bound

19 over to keep the peace, and the sum of ten dollars upon the trial of any person under  
20 the provisions of the laws concerning bastardy.

§ 10. There shall be paid to the Secretary of State, the following fees :

2 For certificate, with seal, seventy-five cents.

3 For each certificate without seal, twenty-five cents.

4 For each commission to any officer or other person (except military commissions)  
5 with seal, one dollar.

6 For copies of exemplifications of records with seal, for each one hundred words, ten  
7 cents.

8 For copies of bills or other papers with certificate under seal, for each one hundred  
9 words, ten cents.

10 For receiving and filing articles of association, corporations or consolidations, each  
11 one dollar.

12 For issuing each license, one dollar.

§ 12. The fees of the clerks of the supreme court and of the clerks of the appellate

2 courts, for any service to be rendered by them, shall be as follows :—

3 For administering each affidavit, with certificate, ten cents.

4 For entering an attorney on the roll, administering oath and certifying the same  
5 with seal, one dollar.

6 For each official certificate and seal other than process of court, twenty-five cents.

7 For each official certificate without seal other than to affidavits or oaths, twenty  
8 cents.

9 For taking and filing bonds, fifty cents.

10 For copy of a record or other papers in his office, for each one hundred words, ten  
11 cents.

12 For copy of bill of costs when requested by either party, twenty-five cents.

13 For making a complete record when directed by either party, for each one hundred  
14 words, ten cents.

15 For putting any cause on the docket, ten cents.

16 For entering each rule or order of the court, except an order of continuance, twenty  
17 cents.

18 For entering each continuance from one term to another, ten cents.

- 19 For entering sheriff's return on any writ, execution, mandamus, or other special
- 20 process for each one hundred words, ten cents.
- 21 For entering a judgment or decree, for each one hundred words, ten cents.
- 22 For entering a bill of cost in cost book, twenty-five cents.
- 23 For filing record and all other papers, three cents each.
- 24 For administering each oath or affirmation, not otherwise provided for, five cents.
- 25 For each writ of error and seal with supersedeas, one dollar.
- 26 For each writ of error and seal without supersedeas, fifty cents.
- 27 For each subpoena, twenty-five cents.
- 28 For each *scire facias*, *mandamus* and other special process, for each one hundred
- 29 words, ten cents.
- 30 For bringing into court, on request, any record of a suit, matter or thing, not in  
court, twenty-five cents.

§ 18. The fees of the clerk of the county court, to be charged and collected from  
the proper persons as costs, shall be as follows:

- 3 For taking proof of any will or testament, and indorsing certificate of probate,
- 4 thereon, including all services relating thereto, in counties of the first class, forty
- 5 cents; in counties of the second class, thirty cents.
- 6 For recording last will and testament, for every one hundred words, in counties of
- 7 the first class, ten cents; in counties of the second class, eight cents.
- 8 For issuing letters of administration, or letters testamentary, and affixing seal thereto
- 9 and recording same, in counties of first class, sixty-five cents; in counties of second
- 10 class, fifty cents.
- 11 For taking bond of an executor or administrator, and administering oath, in counties
- 12 of first class, fifty cents; in counties of second class, forty cents.
- 13 For taking and filing renunciation of widow or next of kin, in counties of the first
- 14 and second class, ten cents.
- 15 For taking proof of codicil, when proven separately, and indorsing certificate of
- 16 probate thereon, including all services relating thereto, in counties of the first class,
- 17 fifty cents; in counties of the second class, forty cents.
- 18 For recording the same, for every one hundred words, in counties of the first class,
- 19 ten cents; in counties of the second class, eight cents.

20 For recording settlement of executors, administrators and guardians, for every one  
 21 hundred words, figures included, in counties of the first class, ten cents; in counties  
 22 of the second class, eight cents.

23 For copy of settlement, with certificate and seal, for every one hundred words, in  
 24 counties of the first class, ten cents; in counties of the second class, eight cents.

25 For copies or exemplifications of copies and papers, for every one hundred words,  
 26 in counties of the first class, ten cents; in counties of the second class, eight cents.

27 For official certificate and seal other than on process, and for which no fee is allowed  
 28 by law, in counties of the first class, twenty five cents; in counties of second class,  
 29 twenty cents.

30 For each summons, citation, subpoena, or other writ or process of court, and sealing  
 31 the same, and for which no other fee is allowed, in counties of the first class, twenty-  
 32 five cents; in counties of the second class, twenty cents.

33 For administering oath to each witness in court, five cents in all counties of the first  
 34 and second class.

35 For swearing any person to an affidavit, and filing the same, in counties of the first  
 36 class, ten cents; in counties of the second class, eight cents.

37 For entering each judgment, order or decree, and counting the whole entry as one,  
 38 in counties of first class, twenty cents; in counties of second class, fifteen cents: *Pro-*  
 39 *vided* that no charge shall be made for allowing claims against estates, except for  
 40 swearing to and and filing affidavits, unless the claim be litigated as other suits.

41 For docketing each claim against estates, ten cents, in counties of the first and sec-  
 42 ond class.

43 For issuing each execution in counties of the first class, twenty-five cents; in coun-  
 44 ties of the second class, twenty five cents.

45 For docketing same, ten cents, in all counties of first and second class.

46 For entering sheriff's return on same, ten cents, in all counties of first and second  
 47 class.

48 For making bill of cost and recording the same, being one charge, in counties of the  
 49 first class, twenty cents; in counties of the second class, fifteen cents.

50 For filing each paper belonging to the settlement of estates or suits pending, three  
 51 cents, in all counties of first and second class.

52 For appraisement bills, sale bills and all other exhibits and writings, except wills  
 53 and codicils, when ordered to be recorded by the court, and not otherwise, for every  
 54 one hundred words, in counties of first class, ten cents; in counties of second class,  
 55 eight cents.

56 For issuing and sealing letters of guardianship and recording same in counties of  
 57 first class, fifty cents; in counties of second class, forty cents.

58 For taking bond of guardian, or for taking any bond not hereinbefore specified and  
 59 filing and recording the same in counties of the first class, fifty cents; in counties of  
 60 the second class, forty cents.

61 For calling and swearing each jury, ten cents in counties of the first class, and  
 62 eight cents in counties of the second class.

63 For writing indenture to be paid by master, twenty-five cents in all counties of first  
 64 and second class.

65 For each license and taking bond for ferry, toll bridge, turnpike, road, tavern, gro-  
 66 cery or peddler, one dollar, in counties of first and second class.

67 For issuing each marriage license, sealing and recording the same, and the certifi-  
 68 cate thereto, one charge in all counties of first and second class, one dollar.

69 Each copy of rates for ferry, toll bridge, or turnpike road, twenty-five cents, in  
 70 counties of first and second class.

71 For each writ of *ad quod damnum* in counties of the first and second class, fifty  
 72 cents.

73 For each *dedimus* to prove will or otherwise, fifty cents.

74 For taking depositions and certifying to the same for every one hundred words in  
 75 counties of the first class, ten cents; in counties of the second class, eight cents.

76 For taking and certifying the acknowledgement of a deed, power of attorney, or  
 77 other writing, and sealing the same, twenty-five cents, in counties of first and second  
 78 class.

79 For taking proof in cases of estrays, and granting certificate of the same, in coun-  
 80 ties of first class, twenty-five cents; in counties of second class, twenty cents.

81 For registering each certificate transmitted to him by justice of the peace in cases  
 82 of estrays, ten cents, in counties of first and second class.

83 For advertisement in such cases, including the copy for newspaper publication, in  
84 counties of first class, forty cents; in counties of second class, thirty cents.

85 Trying and sealing weights and measures by county standard, fifty cents; in coun-  
86 ties of first and second class.

87 For keeping a regular account current with each and every administrator, executor,  
88 guardian or conservator, to be kept in a well-bound book furnished for that purpose,  
89 in counties of first and second class, forty cents for each settlement.

90 And it is hereby expressly provided that no charge whatever shall be made for any  
91 application or motion made in court or to said clerk in proceedings before the court,  
92 and that no charge whatever shall be made for any order of the court other than what  
93 is in this section expressly authorized.

94 For cancelling tax sale and issuing and sealing certificate of redemption, twenty-five  
95 cents, in counties of first and second class.

96 The following fees shall be audited by the county board and paid from the county  
97 treasury:

98 For making transcript of taxable property for the assessor, one cent for each tract  
99 of land and town lot, in counties of the first and second class.

100 For copying assessor's return of taxable property on collector's books, and extending  
101 valuation by assessor and state and county boards of equalization, in separate columns,  
102 and computing and extending state and county tax thereon, for each tract of land,  
103 (being one charge) each town lot, and each person's personal tax, in counties of the  
104 first and second class, five cents.

105 For computing and extending school tax, and each other tax or special assessment  
106 on each tract or town lot, or valuation of personal property, for each extension, one  
107 cent, in counties of the first and second class.

108 For examining and correcting the assessors returns, for making abstracts of same  
109 for the board of supervisors and State Auditor, for making abstract of taxes levied on  
110 collectors books, and for Auditor's office, and for computing the accounts of the county  
111 treasurer with the county, and making settlement with such treasurer, the county  
112 board or county court, as the case may be, shall allow such reasonable compensation  
113 as may be just and right for such services.

114 For entering the list of lands and town lots returned by the State Auditor on the  
115 tract book, for each tract, one cent, in all counties of the first and second class.

116 For filing each paper appertaining to the county business (except assessor's dupli-  
117 cate of taxable property for which no charge shall be made), five cents, in all counties  
118 of the first and second class.

119 For attending the sessions of the county court or county board, the sum of two dol-  
120 lars and fifty cents (\$2.50) per day for such attendance.

121 For recording proceedings of the board of supervisors or county court, in county  
122 business, or making copies of such proceedings, for every one hundred words, in coun-  
123 ties of first class, ten cents; in counties of second class, eight cents.

124 For recording miscellaneous instruments and papers required by law to be recorded  
125 in the county records, and for making copies of such records, or of such papers of file,  
126 for each one hundred words, in counties of first class, ten cents; in counties of second  
127 class, eight cents.

128 For issuing each certificate of appointment to road supervisors, in counties of the  
129 first and second class, twenty five cents.

130 There shall be no fees allowed to county clerks for making election returns, abstracts  
131 of elections or for other business connected with the administration of the county not  
132 otherwise provided for in this act; but the county board or county court, as the case  
133 may be, shall allow for such services an *ex-officio* fee, not exceeding one hundred dol-  
134 lars per annum: *Provided, however,* that whenever the county clerk shall be required  
135 to perform similar service to those required of circuit clerks and no fee is specially  
136 provided for such service, they shall be allowed for such service the same fees as here-  
137 in allowed to circuit clerks.

138 The following fees shall be allowed for services attending the sale of land for taxes,  
139 and shall be charged as costs against the delinquent property and be collected with  
140 the taxes thereon.

141 For making list of delinquent lands and town lots for judgments, for each tract or  
142 town lot, two cents in all counties of first and second class.

143 For making list of delinquent lands and town lots on precept and sale, and redemp-  
144 tion records, for each tract, two cents, and each town lot, one cent, including every  
145 service therein.

146 For services in attending the tax sale and issuing certificates of sale and sealing the  
147 same, for each tract or town lot sold, twenty-five cents in all counties of first and  
148 second class.

149 For making list of delinquent lands and town lots sold, to be filed with the State  
150 Auditor, two cents for each tract of land, and one cent for each town lot.

§ 21. County collectors shall be allowed a commission on all money collected by  
2 them and paid over to the proper officer of two per cent. in counties of the first class;  
3 of one per cent. in counties of the second class; *Provided*, that in counties having  
4 adopted township organization, county collectors shall be allowed on moneys paid  
5 over to them by township collectors, as commission on such moneys, in counties of  
6 first class only one per cent.; in counties of second class, only one-half of one per cent.  
7 In addition to the foregoing, said collectors shall be allowed in their settlement of  
8 state tax with the Auditor, ten cents per mile for each mile of necessary travel in  
9 going to and returning from the seat of government, for the purpose of paying over  
10 such tax.

11 They shall also be allowed for making list of delinquent real estate to be filed with  
12 the county clerk for judgment, two cents for each tract or lot; a like fee for making  
13 delinquent lists for the printer; and for selling lands and town lots, five cents for each  
14 tract of land and three cents for each lot, to be charged and collected as costs.

§ 22. For printer, for advertising delinquent lists, in all counties, for each tract of  
2 land, ten cents; for each town lot, five cents; to be taxed and collected as costs.

3 No costs except printer's fee shall be charged on any lands or lots forfeited to the  
4 State.

§ 23. County treasurers shall be allowed, in counties of the first and second class,  
2 one per cent. for receiving and one per cent. for paying out all moneys, county orders,  
3 and jury certificates received and paid out by them; but in no county shall such treas-  
4 urer be allowed any compensation for paying over to a successor, or receiving money  
5 from a predecessor: *Provided*, that in counties having adopted township organiza-  
6 tion, no county treasurer shall receive any fees for receiving moneys as county treasurer  
7 for which he has received a fee as county collector, as provided in section twenty of this  
8 act.



9 For each day actually employed in making assessment in counties not under town-  
 10 ship organization, three dollars.

§ 24. The fees of county surveyors shall be, for all official services five dollars per  
 12 day for, each day necessarily employed, and for testing scales, a reasonable sum for  
 3 transportation from and to the county seat of the necessary apparatus for making the  
 4 test, when requested by the owner.

§ 26. The fees of notaries public shall be as follows:

2 For taking acknowledgment of a deed or mortgage, power of attorney or other  
 3 writing, with certificate under seal, twenty-five cents.

4 For noting a bond or promissory note, or bill of exchange for protest, twenty-five  
 5 cents.

6 For protesting bond or bill of exchange, fifty cents.

7 For noting protest, twenty cents.

8 For noting marine protest and furnishing one copy thereof, one dollar.

9 For extending marine protest and furnishing one copy thereof, two dollars; for  
 10 each additional copy, seventy-five cents.

11 For giving notice to drawees and indorsees, fifteen cents each.

12 For any other certificate, under seal, twenty-five cents.

13 For administering oath to an affidavit, ten cents.

14 For taking depositions, for each one hundred words, ten cents.

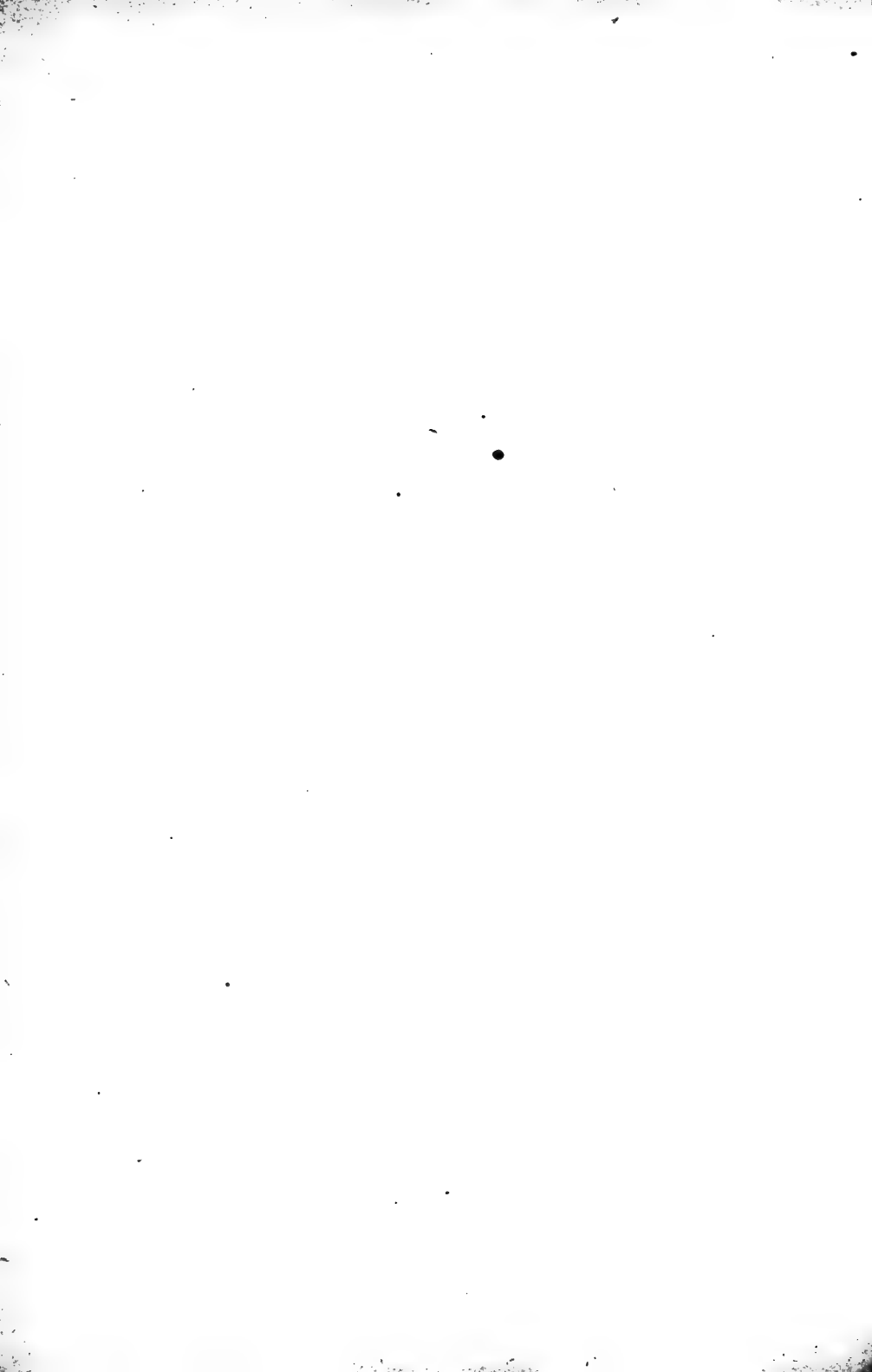
§ 30. Each commissioner appointed to make partition of real estate, or to assign  
 2 dower, except county surveyors, shall receive two dollars per day for each day neces-  
 3 sarily employed as such commissioner, to be taxed as costs in the suit; and commis-  
 4 sioners to make sales in such cases, shall be allowed the same fees as Masters in  
 5 Chancery

§ 2. That there be added to said act the following section, and the same be desig-  
 2 nated as section number fifty-three:

SECTION 53. If any officer whatsoever shall fail or neglect to comply with any of the  
 2 provisions of this act, or shall take greater or other fees than are hereinbefore expres-  
 3 sed and limited for any service to be done by him, or if any officer shall charge or de-  
 4 mand and take any of the fees hereinbefore ascertained, where the business for which  
 5 such fees are chargeable, shall not have been actually done or performed, or if any offi-

6 cer shall charge or demand any fee for any service or services other than those ex-  
7 pressly provided for by this act, such officer shall forfeit and pay to the party in-  
8 jured one hundred dollars, to be recovered as debts of the same amount are recovera-  
9 ble.

§ 3. WHEREAS, The term of office of some of the officers whose salaries are changed  
2 by this act expire before the first day of July, 1979, and their successors are elected be-  
3 fore that date, therefore an emergency exists, and this act shall take effect and be in  
4 force from and after its passage.



1. Introduced by Mr. Kuykendall from Committee on Fees and Salaries, February 22, 1879, and ordered to first reading.
2. First reading February 22, 1879, and ordered to second reading.
3. March 12, second reading.
4. March 27, amended and ordered to third reading.
5. April 10, third reading, passed.
6. May 1, reconsidered, recommitted to Committee on Fees and Salaries, reported back with amendments, passage recommended, and ordered on file on order of third reading.

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Amendments to Senate Bill, No. 326, recommended by the Committee on Fees and Salaries, May 1, 1879.

Amend the title by striking out the word "twelve."

- 2 Also, amend section one by striking out the word "twelve."
- 3 Also, amend the bill by striking out section 12.

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## A BILL

For an Act to amend sections one, three, eight, ten, twelve, eighteen, twenty-one, twenty-two, twenty-three, twenty-four, twenty-eight and thirty of an act entitled "An Act concerning fees and salaries, and to classify the several counties of this State with reference thereto," approved March 29, 1872, in force July 1, 1873, and to add a section thereto.

- 
- SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General*
- 2 *Assembly, That sections one, three, eight, ten, twelve, eighteen, twenty-one, twenty-*

two, twenty-three, twenty-four, twenty-eight and thirty, of an act entitled "An act concerning fees and salaries, and to classify the several counties of this State with reference thereto," approved March 29, 1872: in force July 1, 1872, be and the same are hereby amended so as to read as follows:

**SECTION 1.** That there shall be allowed and paid an annual salary, in lieu of all other salary, fees, perquisite, benefit or compensation, in any form whatsoever to each of the officers herein named, the following sums respectively:

To the Governor the sum of six thousand dollars, together with the use and occupation of the Executive Mansion.

To the Lieutenant Governor the sum of one thousand dollars: *Provided*, That if the powers and duties of the office of Governor shall devolve upon the Lieutenant Governor, the Lieutenant Governor shall, during the continuance of such emergency, be entitled to the emoluments thereof as herein provided.

To the Secretary of State, the sum of three thousand dollars.

To the Auditor of Public Accounts, the sum of three thousand dollars.

To the State Treasurer, the sum of three thousand dollars.

To the Superintendent of Public Instruction, the sum of three thousand dollars.

To the Attorney-General, the sum of three thousand dollars.

To the Adjutant-General, the sum of fifteen hundred dollars.

§ 3. That each judge of the circuit courts of this State, and each judge of the superior courts of Cook county, shall receive and be paid out of the State treasury of this State, an annual salary of thirty-five hundred dollars (\$3,500), in lieu of all other compensation, perquisite or benefit in any form whatsoever: *Provided*, that the provisions of this act shall not prevent the payment of such additional compensation to the judges of the circuit and superior courts of Cook county, out of the treasury of said county as is or may be provided by law.

§ 8. The State's Attorneys to be hereafter elected in all counties of the first and second class, shall also be allowed the following fees: On each conviction where the crime is punished by death, fifty dollars; where the crime is punished by confinement in the penitentiary, twenty dollars; and five dollars each on all other convictions: *Provided*, that nothing in this act shall be so construed as to either increase or diminish the fees, perquisites or compensation of the State's Attorney of Cook county.

7 Ten per cent upon all moneys, except revenue, collected by them and paid over to  
 8 the State or any county, which sum, together with the trial fees that cannot be collec-  
 9 ted from the parties convicted, shall be paid out of any fines and forfeited recognis-  
 10 ances collected by them. In each case of forfeited recognizances, when the forfeiture is  
 11 set aside at the instance of the defendants, except where such forfeiture has been errone-  
 12 ously or irregularly entered, in addition to the ordinary costs, the sum of five dollars  
 13 shall be collected as State's Attorneys fees.

14 In case of indictment for false imprisonment, or wilful and malicious mischief, where  
 15 the petit jury shall return with their verdict of "not guilty," that the prosecutor acted  
 16 maliciously in the premises, the sum of three dollars, to be taxed and collected as other  
 17 costs.

18 The sum of five dollars upon each examination in the circuit court of a party bound  
 19 over to keep the peace, and the sum of ten dollars upon the trial of any person under  
 20 the provisions of the laws concerning bastardy.

§ 10. There shall be paid to the Secretary of State the following fees.

2 For certificate, with seal, seventy five cents.

3 For each certificate, without seal, twenty-five cents.

4 For each commission to any officer or other person (except military commissions),  
 5 with seal, one dollar.

6 For copies of exemplifications of records with seal, for each one hundred words, ten  
 7 cents.

8 For copies of bills or other papers with certificate under seal, for each one hundred  
 9 words, ten cents.

10 For receiving and filing articles of association, corporations or consolidations, each  
 11 one dollar.

12 For issuing each license, one dollar.

§ 12. The fees of the clerks of the supreme court and of the clerks of the appellate  
 2 courts, for any service to be rendered by them, shall be as follows:

3 For administering each affidavit, with certificate, ten cents.

4 For entering an attorney on the roll, administering oath and certifying the same  
 5 with seal, one dollar.

6 For each official certificate and seal other than process of court, twenty-five cents.

- 7 For each official certificate without seal other than to affidavits and oaths, twenty
- 8 cents.
- 9 For taking and filing bonds, fifty cents.
- 10 For copy of a record or other papers in his office, for each one hundred words, ten
- 11 cents.
- 12 For copy of bill of costs, when requested by either party, twenty-five cents.
- 13 For making a complete record when directed by either party, for each one hundred
- 14 words, ten cents.
- 15 For putting any cause on the docket, ten cents.
- 16 For entering each rule or order of the court, except an order of continuance, twenty
- 17 cents.
- 18 For entering each continuance from one term to another, ten cents.
- 19 For entering sheriff's return on any writ, execution, mandamus, or other special
- 20 process, for each one hundred words, ten cents.
- 21 For entering a judgment or decree, for each one hundred words, ten cents.
- 22 For entering a bill of cost in cost book, twenty-five cents.
- 23 For filing record and all other papers, three cents each.
- 24 For administering each oath or affirmation, not otherwise provided for, five cents.
- 25 For each writ of error and seal with supersedeas, one dollar.
- 26 For each writ of error and seal without supersedeas, fifty cents.
- 27 For each subpoena, twenty five cents.
- 28 For each *scire facias*, *mandamus* and other special process, for each one hundred
- 29 words, ten cents.
- 30 For bringing into court, on request, any record of a suit, matter or thing, not in
- 31 court, twenty-five cents.

. § 18. The fees of the clerk of the county court, to be charged and collected from

2 the proper persons as costs, shall be as follows:

- 3 For taking proof of any will or testament, and indorsing certificate of probate,
- 4 thereon, including all services relating thereto, in counties of the first class, forty
- 5 cents; in counties of the second class, thirty cents.
- 6 For recording last will and testament, for every one hundred words, in counties of

- 7 the first class, ten cents; in counties of the second class, eight cents.
- 8 For issuing letters of administration, or letters testamentary, and affixing seal thereto  
9 and recording same, in counties of first class, sixty-five cents; in counties of the second  
10 class, fifty cents.
- 11 For taking bond of an executor or administrator, and administering oath, in coun-  
12 ties of first class, fifty cents; in counties of second class, forty cents.
- 13 For taking and filing renunciation of widow or next of kin, in counties of the first  
14 and second class, ten cents.
- 15 For taking proof of codicil, when proven separately, and indorsing certificate of  
16 probate thereon, including all services relating thereto, in counties of the first class,  
17 fifty cents; in counties of the second class, forty cents.
- 18 For recording the same, for every one hundred words, in counties of the first class,  
19 ten cents; in counties of the second class, eight cents.
- 20 For recording settlement of executors, administrators and guardians, for every one  
21 hundred words, figures included, in counties of the first class, ten cents; in counties of  
22 the second class, eight cents.
- 23 For copy of settlement, with certificate and seal, for every one hundred words, in  
24 counties of the first class, ten cents; in counties of the second class, eight cents.
- 25 For copies or exemplifications of copies and papers, and for every hundred words, in  
26 counties of the first class, ten cents; in counties of the second class, eight cents.
- 27 For official certificate and seal other than on process, and for which no fee is allowed  
28 by law, in counties of the first class, twenty-five cents; in counties of the second class,  
29 twenty cents.
- 30 For each summons, citation, subpoena, or other writ or process of court, and sealing  
31 the same, and for which no other fee is allowed, in counties of the first class, twenty  
32 five cents; in counties of the second class, twenty cents.
- 33 For administering oath to each witness in court, five cents in all counties of the first  
34 and second class.
- 35 For swearing any person to an affidavit, and filing the same, in counties of the first  
36 class, ten cents; in counties of the second class, eight cents.
- 37 For entering each judgment, order or decree, and counting the whole entry as one,  
38 in counties of first class, twenty cents; in counties of second class, fifteen cents: Pro-



39 *vided*, that no charge shall be made for allowing claims against estates, except for  
40 swearing to and filing affidavits, unless the claim be litigated as other suits.

41 For docketing each claim against estates, ten cents, in counties of the first and  
42 second class.

43 For issuing each execution, in counties of the first class, twenty-five cents; in coun-  
44 ties of the second class, twenty-five cents.

45 For docketing same, ten cents, in all counties of first and second class.

46 For entering sheriff's return on same, ten cents, in all counties of first and second  
47 class.

48 For making bill of cost and recording same, being one charge, in counties of the  
49 first class, twenty cents; in counties of second class, fifteen cents.

50 For filing each paper belonging to the settlement of estates or suits pending, three  
51 cents, in all counties of first and second class.

52 For appraisement bills, sale bills and all other exhibits and writings, except wills  
53 and codicils, when ordered to be recorded by the court, and not otherwise, for every  
54 one hundred words, in counties of first class, ten cents; in counties of second class,  
55 eight cents.

56 For issuing and sealing letters of guardianship and recording same in counties of  
57 first class, fifty cents; in counties of second class, forty cents.

58 For taking bond of guardian, or for taking any bond not hereinbefore specified and  
59 filing and recording the same in counties of the first class, fifty cents; in counties of  
60 the second class, forty cents.

61 For calling and swearing each jury, ten cents in counties of the first class, and eight  
62 cents in counties of the second class.

63 For writing indenture to be paid by master, twenty-five cents in all counties of first  
64 and second class.

65 For each license and taking bond for ferry, toll bridge, turnpike, road, tavern, gro-  
66 cery or peddler, one dollar, in counties of first and second class.

67 For issuing each marriage license, sealing and recording the same, and the certifi-  
68 cate thereto, one charge in all counties of first and second class, one dollar.

69 Each copy of rates for ferry, toll bridge, or turnpike road, twenty-five cents in coun-  
70 ties of first and second class.

71 For each writ of *ad quod damnum* in counties of the first and second class, fifty  
72 cents.

73 For each *dedimus* to prove will or otherwise, fifty cents.

74 For taking depositions and certifying to the same, for every one hundred words, in  
75 counties of the first class, ten cents; in counties of the second class, eight cents.

76 For taking and certifying the acknowledgment of a deed, power of attorney, or  
77 other writing, and sealing the same, twenty five cents, in counties of the first and  
78 second class.

79 For taking proof in cases of estrays, and granting certificate of the same, in coun-  
80 ties of first class, twenty five cents; in counties of second class, twenty cents.

81 For registering each certificate transmitted to him by justice of the peace in cases  
82 of estrays, ten cents, in counties of first and second class.

83 For advertisement in such cases, including the copy for newspaper publication, in  
84 counties of first class, forty cents; in counties of second class, thirty cents.

85 Trying and sealing weights and measures by county standard, fifty cents, in counties  
86 of first and second class.

87 For keeping a regular account current with each and every administrator, executor,  
88 guardian or conservator, to be kept in a well-bound book furnished for that purpose,  
89 in counties of first and second class, forty cents for each settlement.

90 And it is hereby expressly provided that no charge whatever shall be made for any  
91 application or motion made in court or to said clerk in proceedings before the court,  
92 and that no charge whatever shall be made for any order of the court other than what  
93 is in this section expressly authorized.

94 For canceling tax sale and issuing and sealing certificate of redemption, twenty-five  
95 cents, in counties of first and second class.

96 The following fees shall be audited by the county board and paid from the county  
97 treasury:

98 For making transcript of taxable property for the assessor, one cent for each tract  
99 of land and town lot, in counties of the first and second class.

100 For copying assessor's return of taxable property on collector's books, and extending  
101 valuation by assessor and state and county boards of equalization, in separate columns,  
102 and computing and extending state and county taxes thereon, for each tract of land,

103 (being one charge) each town lot, and each person's personal tax, in counties of the  
104 first and second class, five cents.

105 For computing and extending school tax, and each other tax or special assessment  
106 on each tract or town lot, or valuation of personal property, for each extension, one  
107 cent, in counties of the first and second class.

108 For examining and correcting the assessor's returns, for making abstracts of same  
109 for the board of supervisors and State Auditor, for making abstracts of taxes levied on  
110 collector's books, and for Auditor's office, and for computing the accounts of the county  
111 treasurer with the county, and making settlement with such treasurer, the county  
112 board or county court, as the case may be, shall allow such reasonable compensation  
113 as may be just and right for such services.

114 For entering the list of lands and town lots returned by the State Auditor on the  
115 tract book, for each tract, one cent, in all counties of the first and second class.

116 For filing each paper appertaining to the county business (except assessor's dupli-  
117 cate of taxable property, for which no charge shall be made,) five cents, in all counties  
118 of the first and second class.

119 For attending the sessions of the county court or county board, the sum of two dol-  
120 lars and fifty cents (\$2.50) per day for such attendance.

121 For recording proceedings of the board of supervisors, or county court in county  
122 business, or making copies of such proceedings, for every one hundred words, in  
123 counties of first class, ten cents; in counties of second class, eight cents.

124 For recording miscellaneous instruments and papers required by law to be recorded  
125 in the county records, and for making copies of such records, or of such papers of file,  
126 for each one hundred words, in counties of first class, ten cents; in counties of second  
127 class, eight cents.

128 For issuing each certificate of appointment to road supervisors, in counties of the  
129 first and second class, twenty-five cents.

130 There shall be no fee allowed to county clerks for making election returns, ab-  
131 stracts of elections or for other business connected with the administration of the county  
132 not otherwise provided for in this act; but the county board or county court, as the case  
133 may be, shall allow for such services an ex-officio fee, not exceeding one hundred dol-  
134 lars per annum: *Provided, however,* that whenever the county clerk shall be required

135 to perform similar service to those required of circuit clerks, and no fee is specially  
136 provided for such service, they shall be allowed for such service the same fees as heretofore  
137 in allowed to circuit clerks.

138 The following fees shall be allowed for services attending the sale of land for taxes,  
139 and shall be charged as costs against the delinquent property and be collected with the  
140 taxes thereon.

141 For making list of delinquent lands and town lots for judgments, for each tract or  
142 town lot, two cents in all counties of first and second class.

143 For making list of delinquent lands and town lots on precept and sale, and redemption  
144 records, for each tract, two cents, and each town lot one cent, including every  
145 service therein.

146 For services in attending the tax sale and issuing certificates of sale and sealing the  
147 same, for each tract or town lot sold, twenty-five cents in all counties of first and second  
148 class.

149 For making list of delinquent lands and town lots sold, to be filed with the State  
150 Auditor, two cents for each tract of land, and one cent for each town lot.

§ 21. County collectors shall be allowed a commission on all money collected by  
2 them and paid over to the proper officer of two per cent. in counties of the first class;  
3 of one per cent. in counties of the second class; *Provided*, that in counties having  
4 adopted township organization, county collectors shall be allowed on moneys paid  
5 over to them by township collectors, as commission on such moneys, in counties of  
6 first class only one per cent.; in counties of second class, only one half of one per cent.  
7 In addition to the foregoing, said collectors shall be allowed in their settlement of  
8 state tax with the Auditor, ten cents per mile for each mile of necessary travel in  
9 going to and returning from the seat of government, for the purpose of paying over  
10 such tax.

11 They shall also be allowed for making list of delinquent real estate to be filed with  
12 the county clerk for judgment, two cents for each tract or lot; a like fee for making  
13 delinquent lists for the printer; and for selling lands and town lots, five cents for each  
14 tract of land and three cents for each lot, to be charged and collected as costs.

§ 22. For printer, for advertising delinquent lists, in all counties, for each tract of  
2 land, ten cents; for each town lot, five cents; to be taxed and collected as costs.

3 No costs, except printer's fee, shall be charged on any lands or lots forfeited to the  
4 State.

§ 23. County treasurers shall be allowed, in counties of the first and second class  
2 one per cent. for receiving and one per cent. for paying out all moneys, county orders,  
3 and jury certificates received and paid out by them; but in no county shall such treas-  
4 urer be allowed any compensation for paying over to a successor, or receiving money  
5 from a predecessor: *Provided*, that in counties having adopted township organization,  
6 no county treasurer shall receive any fees for receiving moneys, as county treasurer, for  
7 which he has received a fee as county collector, as provided in section twenty of this  
8 act.

9 For each day actually employed in making assessment in counties not under township  
10 organization, three dollars.

§ 24. The fees of county surveyors shall be, for all official services five dollars per  
2 day for each day necessarily employed, and for testing scales, a reasonable sum for  
3 transportation from and to the county seat of the necessary apparatus for making the  
4 test, when requested by the owner.

§ 25. The fees of notaries public shall be as follows:

2 For taking acknowledgment of a deed or mortgage, power of attorney or other writing  
3 with certificate under seal, twenty-five cents.

4 For noting a bond or promissory note, or bill of exchange for protest, twenty-five  
5 cents.

6 For protesting bond or bill of exchange, fifty cents.

7 For noting protest, twenty cents.

8 For noting marine protest and furnishing one copy thereof, one dollar.

9 For extending marine protest and furnishing one copy thereof, two dollars; for  
10 each additional copy, seventy-five cents.

11 For giving notice to drawees and indorsees, fifteen cents each.

12 For any other certificate, under seal, twenty-five cents.

13 For administering oath to an affidavit, ten cents.

14 For taking depositions, for each one hundred words, ten cents.

§ 26. Each commissioner appointed to make partition of real estate, or to assign  
2 dower, except county surveyors, shall receive two dollars per day for each day neces-

3 early employed as such commissioner, to be taxed as costs in the suit; and commis-  
 4 sioners to make sales in such cases shall be allowed the same fees as Masters in  
 5 Chancery.

§ 2. That there be added to said act the following section, the same to be designated  
 2 as section number fifty-three:

SECTION 53. If any officer whatsoever shall fail or neglect to comply with any of the  
 2 provisions of this act, or shall take greater or other fees than are hereinbefore expressed  
 3 and limited for any service to be done by him, or if any officer shall charge or demand  
 4 and take any of the fees hereinbefore ascertained, where the business for which such  
 5 fees are chargeable, shall not have been actually done or performed, or if any officer  
 6 shall charge or demand any fee for any service or services other than those expressly  
 7 provided for by this act, such officer shall forfeit and pay to the party injured one hun-  
 8 dred dollars, to be recovered as debts of the same amount are recoverable.



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1. Introduced by Mr. Kelly, Feb. 24, 1879, and ordered to first reading.
  2. First reading Feb. 24, 1879, and referred to Committee on Public Buildings and Grounds.
  3. Reported back, passage recommended, and ordered to second reading March 8, 1879.
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## A BILL

For an act to repeal an act entitled "An Act to amend 'An Act to provide for the erection of a new State House,' approved February 25, 1867, and to amend 'An Act supplemental to an act to provide for the erection of a new State House,'" approved February 25, 1876; approved and in force March 11, 1869.

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SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That an act to amend "An Act to provide for the erection of a new State House," approved February 25, 1867, and to amend "An Act supplemental to an act to provide for the erection of a new State House," approved and in force March 11, 1869, be and the same is hereby repealed.

§ 2. All acts and parts of acts, in conflict with this act, are hereby repealed.





1. Introduced by Mr. Fuller February 24, 1879, and ordered to first reading.
2. First reading February 24, 1879, and referred to Committee on Judiciary.
3. Reported back, passage recommended, and ordered to second reading March 19, 1879.

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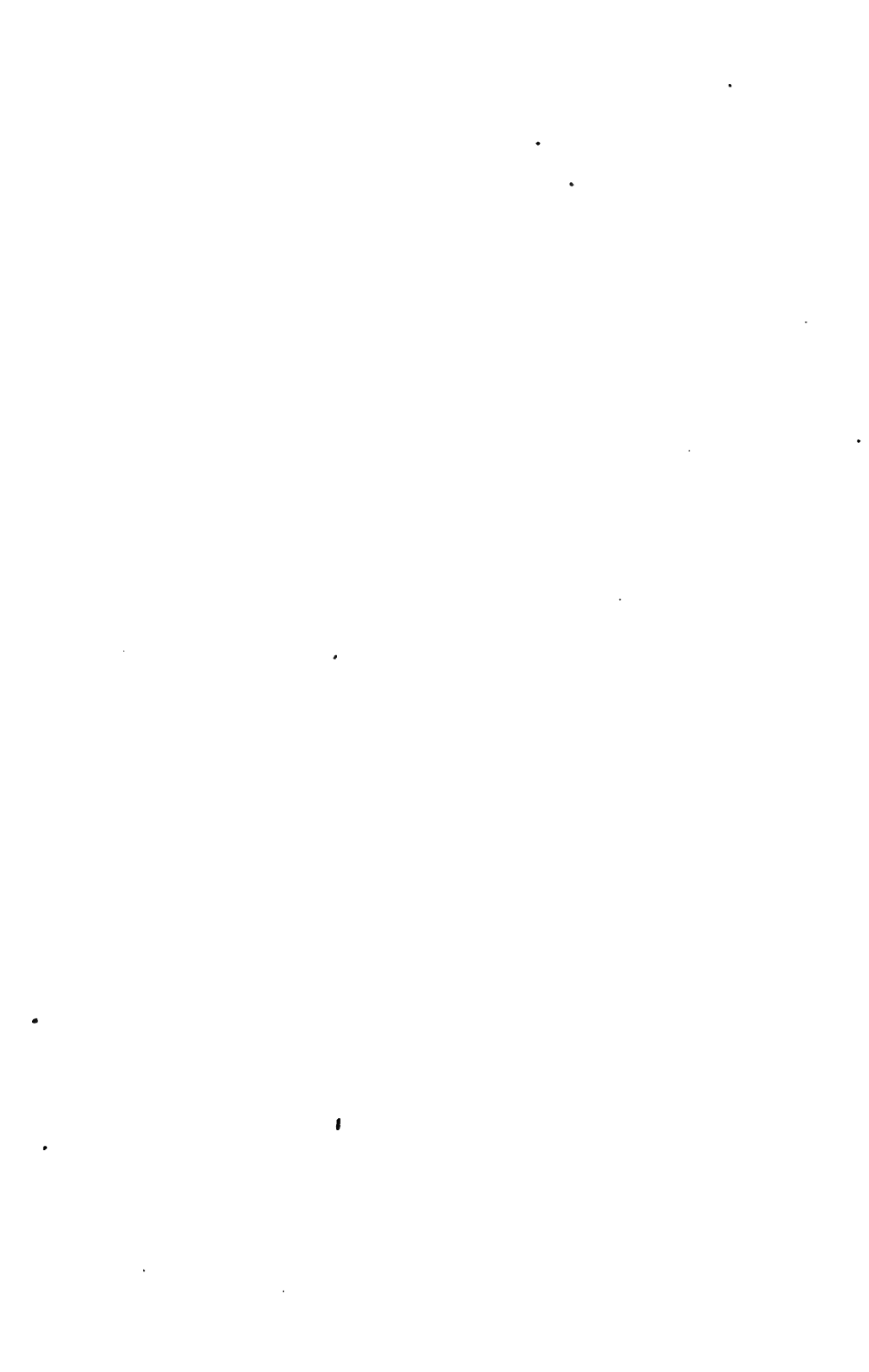
## A BILL

For an Act to amend Section six (6) of division nine (9), of an act entitled "An Act to revise the law in relation to criminal jurisprudence," approved March 27, 1874, in force July 1, 1874.

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SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Section six (6) of division nine (9), of an act entitled "An Act to revise the law in relation to criminal jurisprudence," approved March 27, 1874, and in force July 1, 1874, be and the same is hereby so amended as to read as follows:

SECTION 6. Upon the jury returning their verdict, the justice shall record the same in his docket or record book, and proceed to render judgment thereon accordingly, with costs; and in all cases of conviction it shall be a part of the judgment that the defendant shall stand committed to the county jail, until the fine and costs are fully paid, or he shall be otherwise discharged by due process of law, and the justice may commit the said defendant accordingly: *Provided*, if the fine is ten dollars, or less, such commitment shall be for no longer time than forty-eight hours, and if the fine exceeds ten dollars, such commitment shall be for a time not exceeding twenty-four hours for each and every five dollars of such fine. In case of acquittal, the justice shall discharge the defendant without costs.



## SUBSTITUTE FOR 311.

1. Introduced by MR. TALIAFERRO, from Committee on Agriculture and Drainage, Feb. 25th, 1879, and ordered to first reading.
2. First reading, Feb. 27, 1879, and ordered to second reading.

## A BILL

For an Act in reference to Stock Yards, to regulate their charges for yardage, freight, grain, hay and other articles furnished, and to prevent extortion and unjust discrimination in the management thereof, and to provide for charges for transportation.

*SECTION 1. Be it enacted by the people of the State of Illinois represented in the General Assembly,*

2 That if any corporation organized or doing business in this state, under any act of  
3 incorporation or general law now in force, or which may hereafter be enacted in ref-  
4 erence to stock yards, shall charge, collect, demand or receive more than is allowed  
5 by this act, or more than a fair and reasonable rate of toll, or compensation for the  
6 transportation of any freight, of any description, or live stock, or for the use and  
7 transportation of any car upon its track, or any of the branches thereof, or for re-  
8 ceiving, handling, or delivering any freight or live stock, or for hotel bills, feeding,  
9 weighing, carrying, yardage and watering, hay or grain furnished, and anything  
10 done by reason of the powers given such corporation by the act of incorporation  
11 thereof, the same shall be deemed guilty of extortion; and upon conviction thereof,  
12 shall be fined in any sum not less than one hundred dollars, nor more than one  
13 thousand dollars; for the first offense, and for a second offense not less than five hun-  
14 dred dollars, nor more than five thousand dollars. *Provided*, that in all cases under  
15 this act either party shall have the right to trial by jury.

§ 2. If any such corporation shall in reference to stock yards aforesaid, make any unjust discrimination in its rates, or charges of toll or compensation for the transportation of freight, or live stock, or for receiving, handling, feeding, furnishing feed, watering, weighing or carrying any stock, or for doing anything by reason of the powers given such corporation by act of incorporation, the same shall be deemed guilty of having violated the provisions of this act, and upon conviction thereof, shall be dealt with as provided in the foregoing section.

§ 3. If any such corporation in reference to stock yards, shall charge collect or receive of, or from, any person or corporation, for the transportation of freight or live stock, or for receiving, handling, storing, yardage, feeding or carrying the same or for doing anything by reason of the powers given such corporation by act of incorporation, a greater amount of toll or compensation or fees, than is at the same time charged, collected or received from any other person or corporation, for the same or like service, all such discriminating rates, charges, collections or receipts whether made directly; or by means of any rebate, drawback or other shift or evasion, shall be deemed and taken against such corporation in reference to stock yards as conclusive evidence of unjust discrimination.

§ 4. Any stock yard doing business in this state, incorporated under the laws of this state, shall not have or receive for yardage, weighing and watering, more than fifteen (15) cents per head for horses, cattle, or mules; four (4) cents per head for hogs and three (3) cents per head for sheep; nor more than seventy-five (75) per centum additional to the current market wholesale price of hay, straw, corn, or other articles supplied by them for the sustenance of such animals.

§ 5. It shall not be lawful for any corporation in this state, doing business as a stock yard, to prohibit any person or persons, or their agents, from selling dead animals to any persons they may see fit, and for that purpose all persons shall have the privilege of entering said yards, and shall have the privilege of removing any dead or crippled animal therefrom, subject however to any reasonable rule not in conflict with the spirit of this act, which said company may adopt, and for a violation of this act said company shall be liable to the penalty mentioned in section one of this act.

§ 6. The fines hereinbefore provided for, may be recovered in an action of debt

2 in the name of the People of the State of Illinois, and there may be several counts  
3 joined in the same declaration, as to extortion and unjust discrimination.

4 If, upon the trial of any cause instituted under this act, the jury shall find for the  
5 people, they shall assess, and return with their verdict, the amount of the fine to be  
6 imposed upon the defendant, at any sum as hereinbefore provided, and the court  
7 shall render judgment accordingly; and if the jury shall find for the people, and  
8 that the defendant has been before convicted one or more times of the violation of  
9 the provisions of this act, they shall return such finding with their verdict, and shall  
10 assess and return with their verdict, the amount of the fine to be imposed upon the  
11 defendant, as provided in the first section of this act, and the court shall render  
12 judgment accordingly.

§ 7. If any such corporation in reference to stock yards, shall, in violation of  
2 any of the provisions of this act, ask, demand, charge or receive of any person or  
3 corporation, any extortionate charge or charges, for the transportation of any car  
4 or property or live stock, or for receiving, handling, transferring, feeding, storing or  
5 delivering any freights, or live stock, or shall make any unjust discrimination  
6 against any person or corporation in its charges therefor, or furnish inferior, unsuit-  
7 able or insufficient food or drink to any live stock intrusted to its care, or shall neg-  
8 lect or fail to suitably and properly care for any such live stock, or shall furnish a  
9 less amount, or inferior quality of food to such live stock, than represented, con-  
10 tracted, or charged for, or shall charge anything more than what is provided for in  
11 this act; the person or corporation so offended against, or owning such live stock,  
12 or to whom the same may be consigned, may, for each offense, recover of such cor-  
13 poration, in reference to stock yards, in any form of action, three times the amount  
14 of damages sustained by the party aggrieved, together with costs of suit and a rea-  
15 sonable attorneys' fee, to be fixed by the court where the same is heard, on appeal  
16 or otherwise, and taxed as part of the cost of the case.

§ 8. If any such corporation, in reference to stock yards, shall furnish inferior,  
2 unsuitable or insufficient food or drink to any live stock, intrusted to its care, or  
3 shall neglect or fail to suitably and properly care for any such live stock, or shall

4 furnish a less amount, or inferior quality of food to such live stock, than represented,  
5 contracted, or charged for the same, shall be deemed guilty of a misdemeanor, and  
6 upon conviction thereof shall be fined as provided in the first section of this act.

§ 9. It shall be the duty of the railroad and warehouse commission to personally  
2 investigate, and ascertain whether the provisions of this act are violated by any cor-  
3 poration in this state, in reference to stock yards, and to visit the various stock yards  
4 incorporated under any law of this state for that purpose, as often as practicable;  
5 and whenever the facts, in any manner ascertained by said commission, shall, in  
6 their judgment, warrant such prosecution, it shall be the duty of said commission to  
7 immediately cause suits to be commenced and prosecuted against any such corpo-  
8 ration, in reference to stock yards, which may violate the provisions of this act.

9 Such suits and prosecutions shall be instituted in the county where such stock  
10 yards are located, and such railroad and warehouse commission are hereby author-  
11 ized, when the facts of the case presented to them shall, in their judgment, warrant  
12 the commencement of such action, to employ counsel to assist the attorney general  
13 in conducting such suits on behalf of the state.

14 No such suits commenced by said commission, shall be dismissed, except the  
15 said railroad and warehouse commission, and the attorney general shall consent  
16 thereto.

§ 10. In all cases under the provisions of this act, the rules of evidence shall be  
2 the same, as in other civil actions, except as hereinbefore otherwise provided.

3 One-half of all fines recovered under the provisions of this act, shall be paid into  
4 the state treasury, for the benefit of the state, and one-half to the person or persons  
5 complaining.

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SUBSTITUTE FOR S. 1.

1. Introduced by Mr. Talliaferro, from Committee on Agriculture and Drainage, February 25, and ordered to first reading.
2. First reading February 27, and ordered to second reading.
3. April 8, second reading, amended and ordered to third reading.

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A BILL

For an Act in reference to Stock Yards, to regulate their charges for yardage, freight, grain, hay and other articles furnished, and to prevent extortion and unjust discrimination in the management thereof, and to provide for charges for transportation.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly*, That if any corporation organized or doing business in this State, under any act of incorporation or general law now in force, or which may hereafter be enacted in reference to stock yards, shall charge, collect, demand or receive more than is allowed by this act, or more than a fair and reasonable rate of toll, or compensation for the transportation of any freight, of any description, or live stock, or for the use and transportation of any car upon its track, or any of the branches thereof, or for receiving, handling or delivering any freight or live stock, or for hotel bills, feeding, weighing, carrying, yardage and watering, hay or grain furnished, and anything done by reason of the powers given such corporation by the act of incorporation thereof, the same shall be deemed guilty of extortion, and upon conviction thereof, shall be fined in any sum not less than one hundred dollars, nor more than one thousand dollars for the first offense, and for a second offense not less than five hundred dollars, nor more than five thousand dollars: *Provided*, that in all cases under this act either party shall have the right of trial by jury.



§ 2. If any such corporation shall, in reference to stock yards aforesaid, make any unjust discrimination in its rates, or charges of toll or compensation for the transportation of freight or live stock, or for receiving, handling, feeding, furnishing feed, watering, weighing or carrying any stock, or for doing anything by reason of the powers given such corporation by act of incorporation, the same shall be deemed guilty of having violated the provisions of this act, and upon conviction thereof, shall be dealt with as provided in the foregoing section.

§ 3. If any such corporation in reference to stock yards shall charge, collect or receive of or from any person or corporation, for the transportation of freight or live stock, or for receiving, handling, storing, yardage, feeding or carrying the same, or for doing anything by reason of the powers given such corporation by act of incorporation, a greater amount of toll or compensation or fees than is at the same time charged, collected or received from any other person or corporation, for the same or like service, all such discriminating rates, charges, collections or receipts, whether made directly or by means of any rebate, drawback or other shift or evasion, shall be deemed and taken against such corporation in reference to stock yards as conclusive evidence of unjust discrimination.

§ 4. Any stock yard doing business in this State, incorporated under the laws of this State, shall not have or receive for yardage, weighing and watering, more than twenty (20) cents per head for horses, cattle or mules, six (6) cents per head for hogs and five (5) cents per head for sheep, nor more than seventy-five (75) per centum additional to the current market wholesale price of hay, straw, corn or other articles supplied by them for the sustenance of such animals.

§ 5. It shall not be lawful for any corporation in this State, doing business as a stock yard, to prohibit any person or persons, or their agents, from selling dead animals to any person they may see fit, and for that purpose all persons shall have the privilege of entering said yards, and shall have the privilege of removing any dead or crippled animal therefrom, subject, however, to any reasonable rule not in conflict with the spirit of this act, which said company may adopt; and for a violation of this act, said company shall be liable to the penalty mentioned in section one of this act.

§ 6. The fines hereinbefore provided for may be recovered in an action of debt in

2 the name of the People of the State of Illinois, and there may be several counts joined  
 3 in the same declaration as to extortion and unjust discrimination. If, upon the trial of  
 4 any cause instituted under this act, the jury shall find for the people, they shall assess  
 5 and return with their verdict the amount of the fine to be imposed upon the defendant,  
 6 at any sum as hereinbefore provided, and the court shall render judgment accordingly; and  
 7 if the jury shall find for the people, and that the defendant has been before convicted one  
 8 or more times of the violation of the provisions of this act, they shall return such find-  
 9 ing with their verdict, and shall assess and return with their verdict the amount of the  
 10 fine, to be imposed upon the defendant as provided in the first section of this act, and  
 11 the court shall render judgment accordingly.

§ 7. If any such corporation in reference to stock yards shall, in violation of  
 2 any of the provisions of this act, ask, demand, charge or receive of any person or  
 3 corporation, any extortionate charge or charges, for the transportation of any car  
 4 or property or live stock, or for receiving, handling, transferring, feeding, storing or  
 5 delivering any freights, or live stock, or shall make any unjust discrimination against  
 6 any person or corporation in its charges therefor, or furnish inferior, unsuitable or in-  
 7 sufficient food or drink to any live stock intrusted to its care, or shall neglect or  
 8 fail to suitably and properly care for any such live stock, or shall furnish a less amount,  
 9 or inferior quality of food to such live stock, than represented, contracted or charged  
 10 for, or shall charge anything more than what is provided for in this act; the person or  
 11 corporation so offended against, or owning such live stock, or to whom the same may  
 12 be consigned, may, for each offense, recover of such corporation, in reference to stock  
 13 yards, in any form of action, three times the amount of damages sustained by the party  
 14 aggrieved, together with costs of suit and a reasonable attorney's fee, to be fixed by  
 15 the court where the same is heard, on appeal or otherwise, and taxed as part of the cost  
 16 of the case.

§ 8. If any such corporation, in reference to stock yards, shall furnish inferior,  
 2 unsuitable or insufficient food or drink to any live stock, intrusted to its care, or  
 3 shall neglect or fail to suitably and properly care for any such live stock, or shall  
 4 furnish a less amount, or inferior quality of food to such live stock, than represented,  
 5 contracted or charged for the same, shall be deemed guilty of a misdemeanor, and upon  
 6 conviction thereof shall be fined as provided in the first section of this act.

§ 9. It shall be the duty of the Railroad and Warehouse Commission to personally  
 2 investigate, and ascertain whether the provisions of this act are violated by any cor-  
 3 poration in this State, in reference to stock yards, and to visit the various stock yards  
 4 incorporated under any law of this State for that purpose, as often as practicable;  
 5 and whenever the facts, in any manner ascertained by said commission, shall, in their  
 6 judgment, warrant such prosecution, it shall be the duty of said commission to imme-  
 7 diately cause such suits to be commenced and prosecuted against any such corporation  
 8 in reference to stock yards, which may violate the provisions of this act.

9 Such suits and prosecutions shall be instituted in the county where such stock yards  
 10 are located, and such railroad and warehouse commission are hereby authorized, when  
 11 the facts of the case presented to them shall, in their judgment, warrant the commence-  
 12 ment of such action, to employ<sup>40</sup> counsel to assist the Attorney General in conducting  
 13 such suits on behalf of the State. No such suits commenced by said commission shall  
 14 be dismissed, except the said Railroad and Warehouse Commission, and the Attorney  
 15 General shall consent thereto.

§ 10. In all cases under the provisions of this act the rules of evidence shall be the  
 2 same as in other civil actions, except as hereinbefore otherwise provided. One-half of all  
 3 fines recovered under the provisions of this act shall be paid into the State Treasury,  
 4 for the benefit of the State, and one-half to the person or persons complaining.

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1. Introduced by Mr. DeLany February 25, 1879, and ordered to first reading.
  2. First reading February 27, 1879, and referred to Committee on Labor and Manufactures.
  3. Reported back with recommendation it be ordered to second reading. So ordered March 14 1879.
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## A BILL

For an act to repeal an act entitled "An Act to amend an act entitled an act to revise the law in relation to criminal jurisprudence," approved March 27, 1874, approved April 27, 1877.

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- SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General*
- 2 *Assembly,* That an act entitled "An Act to amend an act entitled an act to revise the
  - 3 law in relation to criminal jurisprudence," approved March 27, 1874, approved April
  - 4 27, 1877, be and the same is hereby repealed.



1. Introduced by Mr. Taliaferro, February 25, and ordered to first reading.
2. First reading February 27, and referred to Committee on Miscellany.
3. Reported back with amendments, passage recommended, and ordered to second reading March 27.

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### Amendments to Senate Bill No 331.

- 1st, Amend title to bill as follows: "A bill for an act submitting the question for or  
2 against licensing the sale of intoxicating liquors in cities, towns and villages" to the  
3 legal voters thereof.
- 2d, Amend first section of bill by striking out from the commencement to the word  
4 "and" in tenth line, and insert in lieu thereof as follows: "The lawful authorities of  
5 cities, towns and villages shall submit to the legal voters of such city, town and villages  
6 at their annual election in each year the question for or against the licensing or sale of  
7 intoxicating liquors within the corporate limits of such city, town or village."
- 3d, Amend by striking out the words "or wards of cities" after the word "city," in  
8 seventeenth line of said section, (1st.)
- 4th, Strike out from the word "granted," in twentieth line, down to the word "and"  
9 in twenty-fourth line.

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### A BILL

For An Act to provide for cities, or the wards of cities, also towns and villages, voting for  
or against the sale of intoxicating liquors within its limits.

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- SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General*  
2 *Assembly, That upon the petition of five legal voters to the authorities of any city, or*

3 ward thereof, or any incorporate town or village in this State, the question of license or  
 4 no license shall be voted upon by the legal voters of, at the time of the annual election,  
 5 of such city, or ward, or in town or villages in this State, and the question to be voted  
 6 upon shall be license or no license, and if a majority of the votes cast at such election  
 7 shall be against granting such license then no license shall be granted for one year from  
 8 such election, and if it shall be for license then it shall be discretionary with the author-  
 9 ities of the city, towns or village, when, if at all, and to whom, and upon what con-  
 10 ditions such license shall be granted, and may be revoked by such authorities at any time  
 11 that they may deem the public good requires, or upon violation of the provisions of the  
 12 same.

§ 2. Any license granted in violation of this act shall be null and void, and no per-  
 3 son or persons holding the same shall be protected for selling intoxicating liquors under  
 4 the laws of this State.

1. Introduced by Mr. Campbell February, 1879, and ordered to first reading.
  2. First reading Feb. 27, 1879, and referred to Committee on Insurance.
  3. Reported back with amendments, passage recommended, and ordered to second reading March 8, 1879.
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Amendment recommended by Committee on Insurance March 8, 1879.

Amend by inserting after the word "State" in line 10 of section 3, the word "or."

Amendment proposed by Mr. Bonfield and ordered printed by Committee on Insurance.

Amend by striking out all of section 3 after the word "company" in the 13th line of  
2 said section and insert instead thereof the following, to-wit: "Has filed with the Audi-  
3 tor of this State a certificate of the treasurer or financial officer of some other State or  
4 of the United States, that he holds in his official capacity securities of such company  
5 of at least one hundred thousand dollars market value, which certificate shall be re-  
6 newed annually."

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### A BILL

For an act to amend sections one, two, three and eleven of an act entitled "An Act to organ-  
ize and regulate the business of Life Insurance," approved March 26, 1869; in force  
July 1, 1869.

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SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General*  
2 *Assembly,* That sections one, two, three and eleven of an act entitled "An Act to organ-



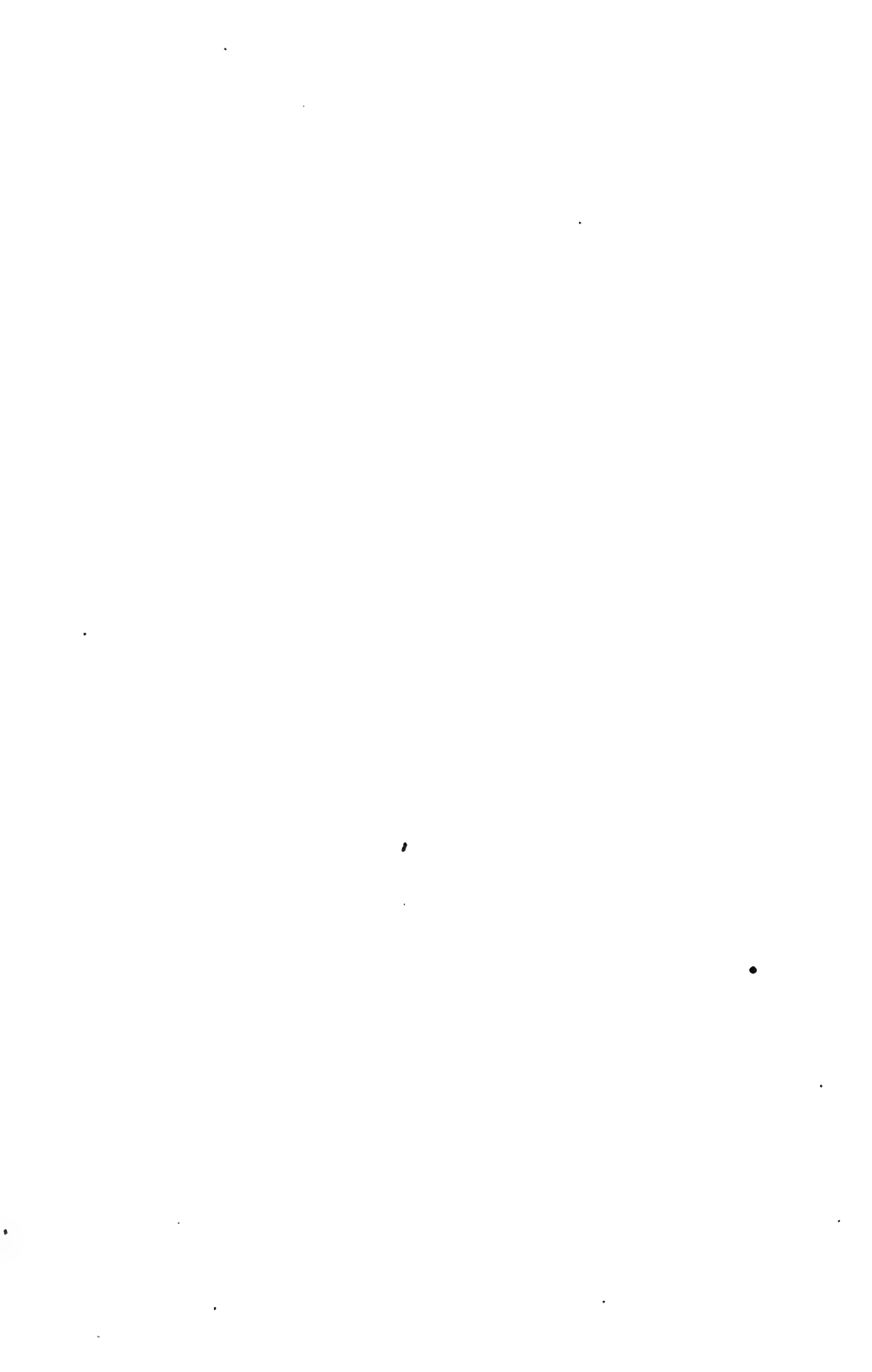
ize and regulate the business of life insurance," approved March 26, 1869; in force July 1, 1869, be and the same are hereby amended so as to read as follows:

SECTION 1. That before any life insurance company goes into operation under the laws of this State, a guarantee capital of at least \$100,000 shall be paid in money and invested in bonds of the United States, and deposited in the treasury of this State, in the custody of the State Treasurer, in his official capacity, to be there kept and by him held, so long as such life insurance company shall continue to do business under the laws of this State.

§ 2. The State Treasurer, on receipt by him, of the deposit required by section one of this act, shall certify such fact to the Auditor of Public Accounts, who shall, thereupon, examine the capital, and the majority of the directors shall make oath that the money has been paid in by the stockholders towards payment of their respective shares and not for any other purpose, and that it is intended that the same shall remain as the capital of the company to be invested as required by the laws of this State. Every insurance company incorporated in this State shall pay to said Auditor, for the examination required by this section, the sum of \_\_\_\_\_.

§ 3. It shall not be lawful for any person to act within this State, as agent or otherwise, in receiving or procuring applications for life insurance, or in any manner to aid in transacting the business of life insurance, for any company or association incorporated by or organized under the laws of any other State of the United States or of any country beyond the limits of the United States, unless such company has conformed in such State or country to the same requirements in regard to capital that are imposed by section one of this act upon companies of this State; and in addition thereto shall deposit bonds of the United States of the value of fifty thousand dollars in the treasury of this State, in the custody of the treasurer, in his official capacity, to be there kept, and by him held so long as such company carries on the business of life insurance in this State. But if any such foreign or alien company has conformed in this State with the requirements in regard to capital and deposit that are imposed by section one of this act upon companies organized under the laws of this State, then the additional deposit herein specified shall not be required of such company. And all deposits so made as aforesaid, in the treasury of this State by any foreign or alien company, shall be primarily liable for the payment of policies issued by such companies to citizens of this State.

§ 11. It shall be lawful for any company organized in this State, to invest its funds  
2 or accumulations in excess of the capital and deposit required by this act, in whatever  
3 bonds, stocks or securities, or in mortgages (being first liens) on real estate worth at  
4 least twice the amount of money loaned thereon, as may be approved by the Auditor.



1. Introduced by Mr. Campbell February, 1879, and ordered to first reading
2. First reading February 27, and referred to Committee on Insurance.
3. Reported back with amendments, passage recommended, and ordered to second reading March 8.
4. Second reading, amended, and ordered to third reading April 21.

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## A BILL

For an Act to amend sections one, two, three and eleven of an act entitled "An Act to organize and regulate the business of Life Insurance," approved March 26, 1869; in force July 1, 1869.

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SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That sections one (1), two (2), three (3) and eleven of an act entitled "An act to organize and regulate the business of life insurance," approved March 26, 1869; in force July 1, 1869, be and the same are hereby amended so as to read as follows:

SECTION 1. That before any life insurance company goes into operation under the laws of this State, a guarantee capital of at least one hundred thousand dollars (\$100,000) shall be paid in money and invested in bonds of the United States, and deposited in the treasury of this State, in the custody of the State Treasurer, in his official capacity, to be there kept and by him held, so long as such life insurance company shall continue to do business under the laws of this State.

§ 2. The State Treasurer, on receipt by him, of the deposit required by section one of this act, shall certify such fact to the Auditor of Public Accounts, who shall, thereupon, examine the capital, and the majority of the directors shall make oath that the money has been paid in by the stockholders towards payment of their respective shares

5 and not for any other purpose, and that it is intended that the same shall remain as the  
6 capital of the company to be invested as required by the laws of this State. Every  
7 insurance company incorporated in this State, shall pay to said Auditor, for the exami-  
8 nation required by this section, the sum of thirty dollars.

§ 3. It shall not be lawful for any person to act within this State, as agent or other-  
2 wise, in receiving or procuring applications for life insurance, or in any manner to aid  
3 in transacting the business of life insurance, for any company or association incorporated  
4 by or organized under the laws of any other State of the United States, or of any coun-  
5 try beyond the limits of the United States, unless such company has conformed in such  
6 State or country to the same requirements in regard to capital that are imposed by  
7 section one of this act upon companies of this State; and in addition thereto shall de-  
8 posit bonds of the United States of the value of fifty thousand dollars (\$50,000) in the  
9 treasury of this State, in the custody of the treasurer, in his official capacity, to be there  
10 kept and by him held so long as such company carries on the business of life insurance  
11 in this State. But if any such foreign or alien company has conformed in this State  
12 with the requirements in regard to capital and deposit that are imposed by section one  
13 of this act upon companies organized under the laws of this State, then the additional  
14 deposit herein specified shall not be required of such company. And all deposits so  
15 made, as aforesaid, in the treasury of this State by any foreign or alien company, shall  
16 be primarily liable for the payment of policies issued by such companies to citizens of  
17 this State.

§ 11. It shall be lawful for any company organized in this State, to invest its funds  
2 or accumulations in excess of the capital and deposit required by this act, in whatever  
3 bonds, stocks or securities, or in mortgages (being first liens) on real estate worth at  
4 least twice the amount of money loaned thereon, as may be approved by the Auditor.

1. Introduced by Mr. Lewis Feb. 26, 1879, and ordered to first reading.
2. First reading Feb. 26, 1879, and referred to Committee on Judiciary.
3. Reported back, passage recommended, and ordered to second reading Feb. 27, 1879.

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### **A BILL**

For an Act to amend section seven (7) of an act entitled "An act to revise the law in relation to Recorders," approved March 6, 1874.

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SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That section seven of an act entitled "An act to revise the law in relation to Recorders," approved March 6, 1874," be amended so as to read as follows :

SECTION 7. Deputy recorders duly appointed and qualified may perform any and all duties of the recorder in the name of the recorder, and the acts of such deputies shall be held to be the acts of the recorder, and in case of the death of the recorder or his deposition from office, the chief deputy shall thereupon become the acting recorder until such vacancy shall be filled according to law, and he shall file a like bond and be vested with the same powers and subject to the same responsibilities and entitled to the same compensation as in case of recorder.

Whereas an emergency exists this law shall therefore be in force on and after its passage.



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(In House.)

1. Reported to House February 7, 1879.
2. First reading February 10, 1879, and ordered to second reading.

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## A BILL

For an Act to amend section seven (7) of an act entitled "An Act to revise the law in relation to Recorders," approved March 6, 1874.

---

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That section seven of an act entitled "An Act to revise the law in relation to Recorders," approved March 6, 1874, be amended so as to read as follows:

SECTION 7. Deputy recorders, duly appointed and qualified, may perform any and all duties of the recorder in the name of the recorder, and the acts of such deputies shall be held to be the acts of the recorder, and in case of the death of the recorder or his deposition from office, the chief deputy shall thereupon become the acting recorder until such vacancy shall be filled according to law, and he shall file a like bond and be vested with the same powers and subject to the same responsibilities and entitled to the same compensation as in case of recorder.

WHEREAS, An emergency exists, this law shall therefore be in force on and after its passage.





1. Introduced by Mr. Southworth Feb. 26, 1879, and ordered to first reading.
2. First reading Feb. 27, 1879, and referred to Committee on Judiciary.
3. March 5, reported back, passage recommended and ordered to second reading.

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## A BILL

For an act to amend section 4 of an act entitled "An Act in regard to evidence and depositions in civil cases," approved March 29, 1872; in force July 1, 1872.

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SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That section 4 of an act entitled "An Act in regard to evidence and depositions in civil cases," approved March 29, 1872, and in force July 1, 1872, be amended so as to read as follows:

SECTION 4. [Partners, joint contractors and deceased agents.] In any action, suit or proceeding, by or against any surviving partner or partners, joint contractor or contractors, no adverse party, or person adversely interested in the event thereof, shall by virtue of section 1 of this act be rendered a competent witness to testify to any admission or conversation by any deceased partner or joint contractor, unless some one or more of the surviving partners or joint contractors were also present at the time of such admission or conversation; and in every action, suit or proceeding, a party to the same, who has contracted with an agent of the adverse party, the agent having since died, shall not be a competent witness as to any conversation or transaction between himself and such agent, except where the conditions are such that under the provisions of sections 2 and 3 of this act he would have been permitted to testify if the deceased person had been a principal and not an agent.



(In House.)

1. Reported to House, April 26, 1879.
2. First reading April 28, 1879, and referred to Committee on Judiciary.
3. Reported back, passage recommended, and ordered to second reading May 1, 1879.

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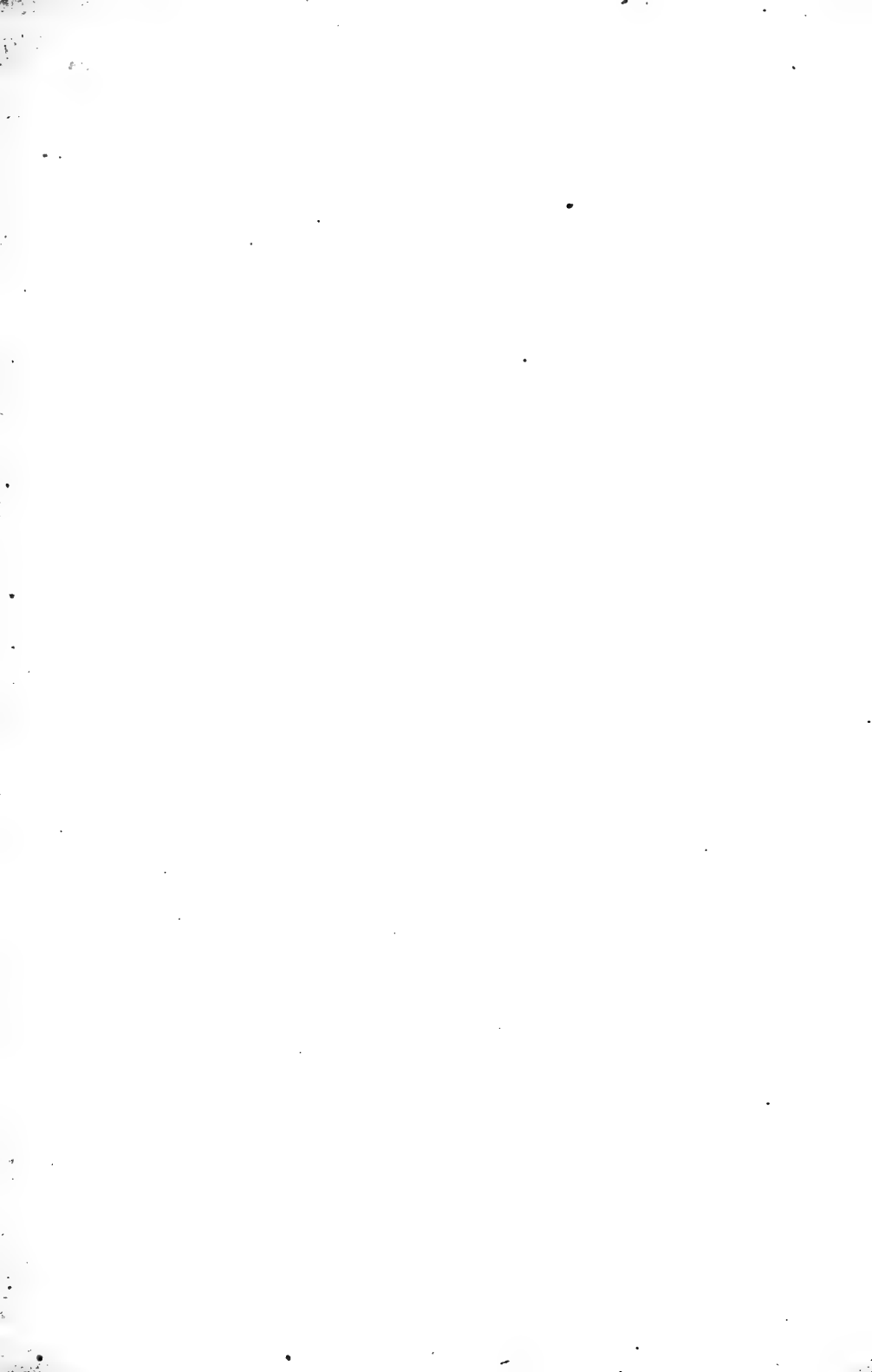
## A BILL

For an act to amend section 4 of an act entitled "An Act in regard to evidence and depositions in civil cases, approved March 29, 1872; in force July 1, 1872.

---

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That section 4 of an act entitled "An Act in regard to evidence and depositions in civil cases," approved March 29, 1872, and in force July 1, 1872, be amended so as to read as follows:*

SECTION 4. [Partners, joint contractors and deceased agents.] In any action, suit or proceeding, by or against any surviving partner or partners, joint contractor or contractors, no adverse party, or person adversely interested in the event thereof, shall by virtue of section 1 of this act be rendered a competent witness to testify to any admission or conversation by any deceased partner or joint contractor, unless some one or more of the surviving partners or joint contractors were also present at the time of such admission or conversation; and in every action, suit or proceeding, a party to the same, who has contracted with an agent of the adverse party, the agent having since died, shall not be a competent witness as to any conversation or transaction between himself and such agent, except where the conditions are such that under the provisions of sections 2 and 3 of this act he would have been permitted to testify if the deceased person had been a principal and not an agent.



- 
1. Introduced by Mr. Lewis Feb. 26, 1879, and ordered to first reading.
  2. First reading Feb. 26th, 1879, and referred to Committee on Judiciary.
  3. Reported back, passage recommended, and ordered to second reading February 27, 1879.

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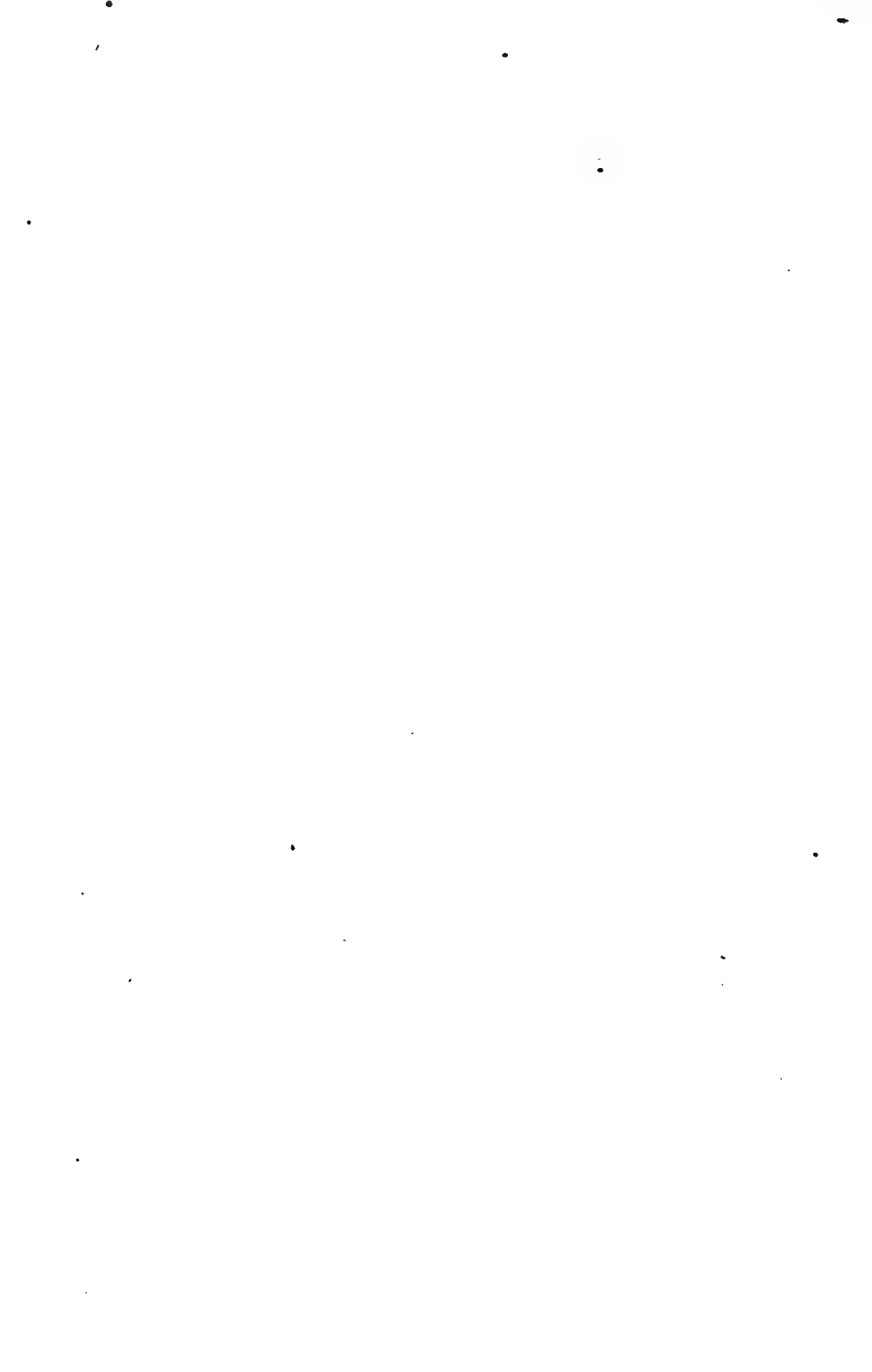
## A BILL

For An act to legalize the acts of Deputy Recorders.

---

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly,* That in all cases where a recorder of deeds has heretofore died, or his office for any cause has become vacant, and the duties of such office have been performed by the deputy recorder, the acts and proceedings of such deputy recorder, performed in and about the business of said office, or which may be performed until a recorder shall be elected as provided by law, are hereby declared legal, and of the same force and effect as if said acts of such deputy had been performed before such vacancy occurred.

WHEREAS, An emergency exists, therefore this law shall be in force on and after its passage.



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(In House.)

1. Reported to House March 7, 1879.
2. First reading March 10, 1879, and ordered to second reading.

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## A BILL

For An Act to legalize the acts of Deputy Recorders.

---

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General*  
2 *Assembly,* That in all cases where a recorder of deeds has heretofore died, or his  
3 office for any cause has become vacant, and the duties of such office have been  
4 performed by the deputy recorder, the acts and proceedings of such deputy recorder,  
5 performed in and about the business of said office, or which may be performed until  
6 a recorder shall be elected, as provided by law, are hereby declared legal, and of  
7 the same force and effect as if said acts of such deputy had been performed before  
8 such vacancy occurred.

9 WHEREAS, An emergency exists, therefore this law shall be in force on and after  
10 its passage.





1. Introduced by Mr. Riddle, February 26, 1879, and ordered to first reading.
2. First reading February 27, and referred to Committee on Judiciary.
3. Reported back with amendments, passage recommended, and ordered to second reading March 8.
4. Second reading, amended and ordered to third reading April 19.

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## A BILL

For an act to amend section seven (7) of an act entitled "An Act in regard to Garnishment," approved March 9, 1872, in force July 1, 1872.

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SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly, That section seven (7) of an act entitled "An Act in regard to garnishment," approved March 9, 1872, in force July 1, 1872, be and the same is hereby amended so as to read as follows:*

SECTION 7. *When the plaintiff in any garnishee proceeding shall allege that any garnishee served with process, or appearing before any court, hath not truly discovered the lands, tenements, goods, chattels and effects, or if before a justice of the peace, such personal effects of the defendant in the attachment suit or judgment, and the value thereof, in his possession, custody or charge, or from him due and owing to the defendant at the time of the service of the writ, or at any time after, or which shall or may thereafter become due, the court or justice of the peace shall immediately (unless the case shall, for good cause, be continued,) proceed to try such cause as against such garnishee without the formality of pleading. The trial shall be conducted as other trials at law, and if the finding or verdict shall be against the garnishee, judgment shall be given against him in the same manner as if the facts had been admitted by him, with all costs of such trial. If the finding shall be in favor of the garnishee, he shall recover his costs against the plaintiff; and if the garnishee shall appear and make discovery, as above provided, he shall be at*

14 lowed his costs for actual attendance as in case of a witness, and, when the proceeding  
15 is in a court of record, such further sum as the court shall judge reasonable, not exceed-  
16 ing the sum of fifteen dollars, for his attorney's fees in and about the preparation of  
17 such answer and discovery, and in case he shall be adjudged liable the same, together  
18 with any costs recovered by said plaintiff against said garnishee, may be taxed and  
19 deducted from the property or money in his hands, and he shall be chargeable only for  
20 the balance, and in case the garnishee admits indebtedness to the judgment debtor he  
21 shall not be liable for costs. And in any case of garnishment brought in courts of this  
22 State on a cause of action accruing without the limits of this State, such garnishee shall  
23 have the right, by answer or otherwise, to rely on the same matter of defense as he  
24 might had such garnishment proceeding been brought against such garnishee in any of  
25 the courts of the State or place wherein the cause of action accrued.

1. Introduced by Mr. Riddle February 26, 1879, and ordered to a first reading.
2. First reading February 27, 1879, and referred to Committee on Judiciary.
3. Reported back with amendments, passage recommended, and ordered to second reading March 8, 1879.

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Amendments recommended by Committee on Insurance.

- Amend by inserting "when the proceeding is in a court of record" after the
- 2 word "and" in the 20th line, 2d page.
  - 3 Also after the word "reasonable" in 22d line, 2d page, insert "not exceeding the sum
  - 4 of fifteen dollars."

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**A BILL**

For an act to amend section seven of an act entitled "An Act in regard to garnishment," approved March 9, 1872, in force July 1, 1872.

---

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General*

- 2 *Assembly, That section seven of an act entitled "An Act in regard to garnishment," ap-*
- 3 *proved March 9, 1872, in force July 1, 1872, be and the same is hereby amended so as to*
- 4 *read as follows:*

§ 7. When the plaintiff in any garnishee proceeding shall allege that any garnishee

- 2 served with process, or appearing before any court, hath not truly discovered the lands,
- 3 tenements, goods, chattels and effects, or if before a justice of the peace, such personal
- 4 effects of the defendant in the attachment suit or judgment and the value thereof, in his
- 5 possession, custody or charge, or from him due and owing to the defendant at the time

6 of the service of the writ, or at any time after, or which shall or may thereafter become  
7 due, the court or justice of the peace shall immediately (unless the case shall for good  
8 cause be continued) proceed to try such cause as against such garnishee without the for-  
9 mality of pleading. The trial shall be conducted as other trials at law, and if the finding  
10 or verdict shall be against the garnishee, judgment shall be given against him in the same  
11 manner as if the facts had been admitted by him with all costs of such trial. If the find-  
12 ing shall be in favor of the garnishee he shall recover his costs against the plaintiff; and  
13 if the garnishee shall appear and make discovery, as above provided, he shall be al-  
14 lowed his costs for actual attendance as in case of a witness, and such further sum as  
15 the court shall judge reasonable for his attorney's fees in and about the preparation of  
16 such answer and discovery, and in case he shall be adjudged liable the same, together  
17 with any costs recovered by said plaintiff against said garnishee, may be taxed and de-  
18 ducted from the property or money in his hands, and he shall be chargeable only for the  
19 balance, and in case the garnishee admits indebtedness to the judgment debtor he shall  
20 not be liable for costs. And in any case of garnishment brought in the courts of this  
21 State on a cause of action accruing without the limits of this State, such garnishee shall  
22 have the right, by answer or otherwise, to rely on the same matter of defense as he  
23 might had such garnishment proceeding been brought against such garnishee in any of  
24 the courts of the State or place wherein the cause of action accrued.

- 
1. Introduced by Mr. Thomas February 26, 1879, and ordered to first reading.
  2. First reading February 27, 1879, and referred to Committee on Municipalities.
  3. Reported back with recommendation it be ordered to second reading. So ordered February 28, 1879.
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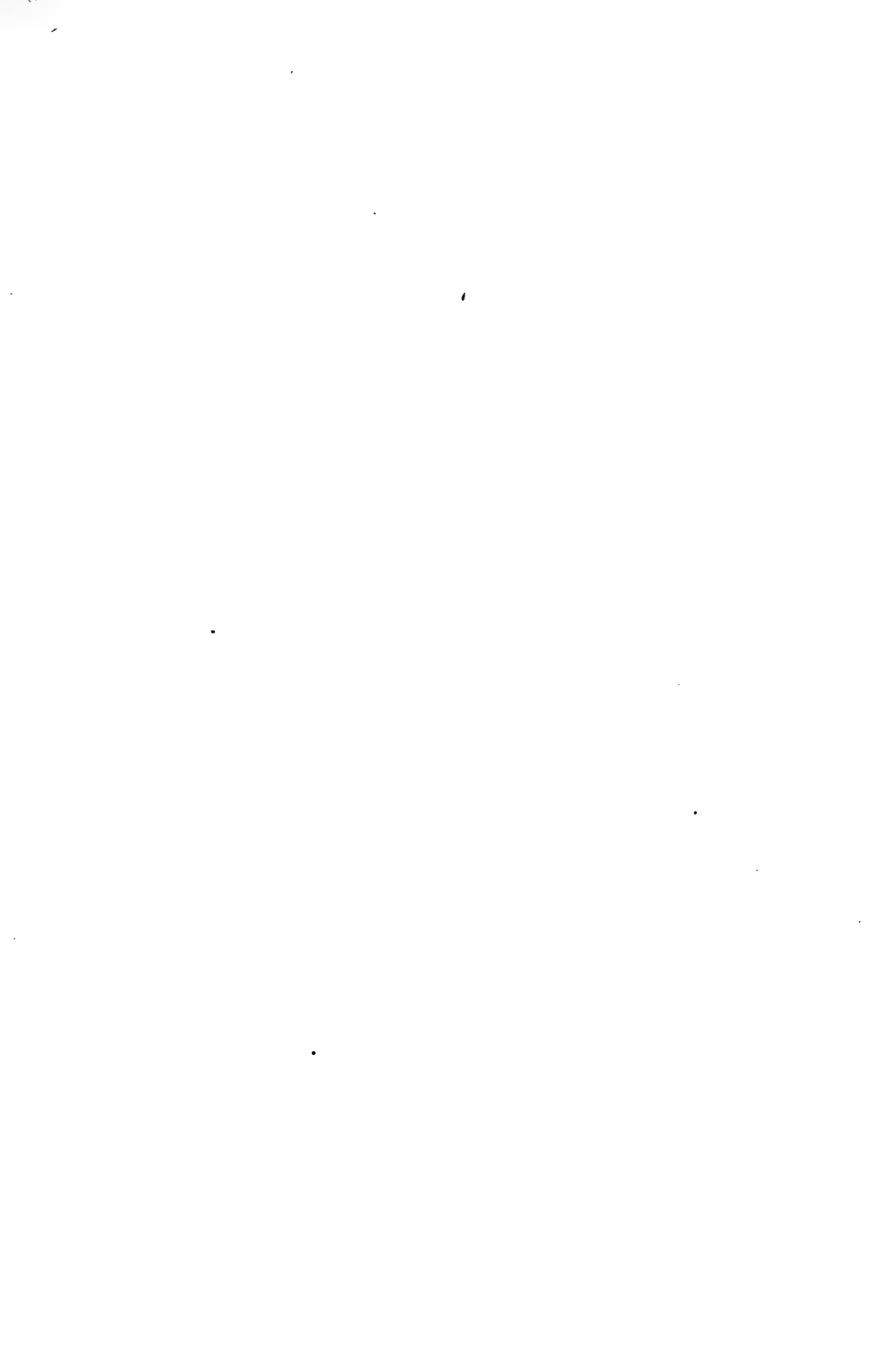
## A BILL

For an act to repeal an act entitled "An Act concerning the appointment and removal of city officers in all cities in this State, conferring additional powers and duties upon mayors, and concerning appropriation bills or ordinances that may be passed in such cities," approved April 10, 1875.

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SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That an act entitled "An Act concerning the appointment and removal of city officers in all cities in this State, conferring additional powers and duties upon mayors and concerning appropriation bills or ordinances that may be passed in such cities," approved April 10, 1875, be and the same is hereby repealed.

§ 2. WHEREAS, The powers granted by said act hereby repealed are liable to be exercised by mayors, to the detriment of the best interest of cities, an emergency exists, requiring this act to take effect immediately, therefore this act shall take effect and be in force from and after its passage.



1. Introduced by Mr. Thomas February 26, 1879, and ordered to first reading.
2. First reading February 27, 1879, and referred to Committee on Municipalities.
3. Reported back with recommendation it be ordered to second reading February 28, 1879. So ordered.

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## A BILL

For an act to amend section 7 of article 2 of an act entitled "An Act to provide for the incorporation of cities and villages," approved April 10, 1872; in force July 1, 1872.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly, That section 7 of article 2 of an act to provide for the incorporation of cities and villages, approved April 10, 1872; in force July 1, 1872, be amended so as to hereafter read as follows:*

SECTION 7. The mayor shall have power to remove any officer appointed by him, on any formal charge, whenever he shall be of the opinion that the interests of the city demand such removal, but he shall report the reasons for such removal to the council at a meeting to be held not less than five days nor more than ten days after such removal; and if the mayor shall fail or refuse to file with the city clerk a statement of the reasons for such removal, or if the council by a two-thirds vote of all its members authorized by law to be elected, by yeas and nays, to be entered upon its record, disprove of such removal, such officer shall thereupon become restored to the office from which he was so removed; but he shall give new bonds and take a new oath of office.

No officer shall be removed a second time for the same offense.





1. Introduced by Mr. Fuller, February 26, 1879, and ordered to first reading.
2. First reading February 27, 1879, and referred to Committee on Insurance.
3. Reported back, passage recommended, and ordered to second reading March 8, 1879.

## A BILL

For an Act to amend sections three (3), seven (7) and eight (8), of "An act to organize and regulate County Fire Insurance Companies," approved June 2, 1877; in force July 1, 1877.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General*

2 *Assembly, That sections three (3), seven (7), and eight (8), of an act entitled "An Act*  
3 *to organize and regulate County Fire Insurance Companies," approved June 2, 1877,*  
4 *and in force July 1, 1877, be, and the same are hereby so amended as to read, respec-*  
5 *tively, as follows:*

§ 3. The number of directors shall be nine—five of whom shall constitute a quorum  
2 to do business—to be elected from the corporators by ballot, and hold their offices un-  
3 til their successors are elected and qualified. In the election of the first board of direc-  
4 tors, each corporator shall be entitled to one vote. All subsequent elections, except to  
5 fill vacancies, shall be held at the annual meeting of the company, which shall be on  
6 the first Tuesday after the first Monday of January in each year; and every person in-  
7 sured shall be entitled to as many votes as there are directors to be elected, and an  
8 equal additional number for each five hundred dollars (\$500) that he may be insured  
9 in the company, and may cast the same in person or by proxy: *Provided*, such votes  
10 shall be equally distributed among such number of candidates as shall be equal to the  
11 number of directors to be elected.

7. Any person owning property in the county for which any such company is

2 formed, may become a member of such company by insuring therein, and shall be en-  
3 titled to all the rights and privileges appertaining thereto; but no person not residing  
4 in the county in which the company is formed, shall become a director of such com-  
5 pany.

§ 8. Such company may issue policies only on detached dwellings, barns, (except  
2 livery, boarding and hotel barns) and other farm buildings, and such property as may  
3 properly be contained therein, and also on hay and grain in stack, and live stock on  
4 the premises occupied by the insured, for any time not exceeding five years, and not to  
5 extend beyond the limited duration of the charter, and for an amount not to exceed  
6 three thousand dollars (\$3,000) on any one risk. All persons so insured shall give  
7 their obligation to the company, binding themselves, their heirs and assigns, to pay  
8 their *pro rata* share to the company, of the necessary expenses, and of all losses by fire  
9 or lightning which may be sustained by any member thereof during the time for which  
10 their respective policies are written; and they shall also, at the time of effecting the  
11 insurance, pay such per centage, in cash, and such other charge as may be required by  
12 the rules or by-laws of the company.

1. Introduced by Mr. Fuller February 26, 1879, and ordered to first reading.
2. First reading February 27, and referred to Committee on Insurance.
3. Reported back, passage recommended, and ordered to second reading March 8.
4. April 7, second reading, amended, and ordered to third reading.

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## A BILL

For an act to amend sections three (3), seven (7) and eight (8), of an act entitled "An act to organize and regulate County Fire Insurance Companies," approved June 2, 1877; in force July 1, 1877.

---

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General*

2 *Assembly, That sections three (3), seven (7), and eight (8), of an act entitled "An act to*  
3 *organize and regulate County Fire Insurance Companies," approved June 2, 1877, and*  
4 *in force July 1, 1877, be, and the same are hereby so amended as to read, respectively,*  
5 *as follows:*

§ 3. The number of directors shall be not less than three—a majority of whom shall  
2 constitute a quorum to do business—to be elected from the corporators by ballot, and  
3 hold their offices until their successors are elected and qualified. In the election of the  
4 first board of directors, each corporator shall be entitled to one vote. All subsequent  
5 elections, except to fill vacancies, shall be held at the annual meeting of the company,  
6 which shall be on the first Tuesday after the first Monday of January in each year; and  
7 every person insured shall be entitled to as many votes as there are directors to be elec-  
8 ted, and an equal additional number for each five hundred dollars (\$500) that he may  
9 be insured in the company, and may cast the same in person or by proxy: *Provided,*  
10 *such votes shall be equally distributed among such number of candidates as shall be*  
11 *equal to the number of directors to be elected.*

§ 7. Any person owning property in the county for which any such company is

2 formed, may become a member of such company by insuring therein, and shall be en-  
3 titled to all the rights and privileges appertaining thereto; but no person not residing  
4 in the county in which the company is formed, shall become a director of such company.

§ 8. Such company may issue policies only on detached dwellings, barns, (except  
2 livery, boarding and hotel barns) and other farm buildings, and such property as may  
3 properly be contained therein, and also on hay and grain in stack, and live stock on  
4 the premises occupied by the insured, for any time not exceeding five years, and not to  
5 extend beyond the limited duration of the charter, and for an amount not to exceed  
6 three thousand (\$3,000) dollars on any one risk. All persons so insured shall give their  
7 obligation to the company, binding themselves, their heirs and assigns, to pay their *pro*  
8 *rata* share to the company, of the necessary expenses, and of all losses by fire or light-  
9 ning which may be sustained by any member thereof, during the time for which their  
10 respective policies are written; and they shall also, at the time of effecting the insur-  
11 ance, pay such per centage, in cash, and such other charge as may be required by the  
12 rules or by-laws of the company.

1. Introduced by Mr. Fuller, February 26, 1879, and ordered to first reading.
2. First reading February 27, and referred to Committee on Insurance.
3. Reported back, passage recommended and ordered to second reading March 3.
4. April 7, second reading, amended and ordered to third reading.
5. Re-committed to Committee on Insurance May 2.
6. Reported back with amendment, with recommendation that it do pass as amended.  
Ordered on file in order of second reading May 3.

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Amendment to Senate Bill No. 344, reported by Committee on Counties and Township Organization, May 3, 1879.

Amend section eight, line two, of written bill by inserting after the word "detached"

- 2 the word "farm."

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### A BILL

For an Act to amend sections three (3), seven (7) and eight (8) of an act entitled "An Act to organize and regulate County Fire Insurance Companies," approved June 2, 1877; in force July 1, 1877.

---

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly, That sections three (3), seven (7) and eight (8) of an act entitled "An Act to organize and regulate County Fire Insurance Companies," approved June 2, 1877, and in force July 1, 1877, be and the same are hereby so amended as to read, respectively, as follows:*

§ 3. The number of directors shall be not less than three—a majority of whom shall constitute a quorum to do business—to be elected from the corporators by ballot, and hold their offices until their successors are elected and qualified. In the election of the

4 first board of directors, each corporator shall be entitled to one vote. All subsequent  
 5 elections, except to fill vacancies, shall be held at the annual meeting of the company,  
 6 which shall be on the first Tuesday after the first Monday of January in each year; and  
 7 every person insured shall be entitled to as many votes as there are directors to be elec-  
 8 ted, and an equal additional number for each five hundred dollars (\$500) that he may  
 9 be insured in the company; and may cast the same in person or by proxy: *Provided,*  
 10 such votes shall be equally distributed among such number of candidates as shall be  
 11 equal to the number of directors to be elected.

§ 7. Any person owning property in the county for which any such company is  
 2 formed, may become a member of such company by insuring therein, and shall be en-  
 3 titled to all the rights and privileges appertaining thereto; but no person not residing  
 4 in the county in which the company is formed, shall become a director of such com-  
 5 pany.

§ 8. Such company may issue policies only on detached dwellings, barns, except  
 2 livery, boarding and hotel barns) and other farm buildings, and such property as may  
 3 properly be contained therein, and also on hay and grain in stack, and live stock on the  
 4 premises occupied by the insured, for any time not exceeding five years, and not to ex-  
 5 tend beyond the limited duration of the charter, and for an amount not to exceed three  
 6 thousand (\$3,000) dollars on any one risk. All persons so insured shall give their obli-  
 7 gation to the company, binding themselves, their heirs and assigns, to pay their *pro rata*  
 8 share to the company, of the necessary expenses, and of all losses by fire or lightning  
 9 which may be sustained by any member thereof, during the time for which their res-  
 10 pective policies are written; and they shall also, at the time of affecting the insurance  
 11 pay such per centage in cash, and such other charge as may be required by the rules or  
 12 by-laws of the company.

1. Introduced by Mr. Fuller, February 26, 1879, and ordered to first reading.
2. First reading February 27, 1879, and referred to Committee on Insurance.
3. Reported back March 8, 1879, passage recommended and ordered to second reading.

---

## A BILL

For an act to amend sections three (3), seven (7) and eight (8) of an act entitled "An Act to revise the law in relation to township insurance companies," approved March 24, 1874, in force July 1, 1874.

---

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General*

2 *Assembly, That sections three (3), seven (7) and eight (8) of an act entitled "An Act to*  
3 *revise the law in relation to township insurance companies," approved March 24, 1874,*  
4 *and in force July 1, 1874, be and the same are hereby amended so as to read, respect-*  
5 *ively, as follows:*

SECTION 3. The number of directors shall be nine—five of whom shall constitute a  
2 quorum to do business—to be elected from the corporators by ballot, and hold their  
3 offices until their successors are elected and qualified. In the election of the first board  
4 of directors, each corporator shall be entitled to one vote. All subsequent elections,  
5 except to fill vacancies, shall be held at the annual meeting of the company, which  
6 shall be on the first Tuesday after the first Monday in January in each year, and every  
7 person insured shall be entitled to as many votes as there are directors to be elected,  
8 and an equal additional number for each five hundred dollars (\$500) that he may be  
9 insured in the company, and may cast the same in person or by proxy: *Provided, Such*  
10 *votes shall be equally distributed among such number of candidates as shall be equal*  
11 *to the number of directors to be elected.*

§ 7. Any person owning property in the district for which any such company is  
2 formed, may become a member of such company by insuring therein, and shall be



3 entitled to all the rights and privileges appertaining thereto; but no person not residing  
4 in the district in which the company is formed shall become a director of such com-  
5 pany.

6 § 8. Such company may issue policies only on detached dwellings, barns (except  
7 livery, boarding and hotel barns) and other farm buildings, and such property as may  
8 properly be contained therein, and also on hay and grain in stock, and live stock on  
9 the premises occupied by the insured, for any time not exceeding five years, and not to  
10 extend beyond the limited duration of the charter, and for an amount not to exceed  
11 three thousand dollars (\$3000) on any one risk. All persons so insured shall give their  
12 obligation to the company, binding themselves, their heirs and assigns to pay their *pro*  
13 *rata* share, to the company, of the necessary expenses, and of all losses by fire or light-  
ning which may be sustained by any member thereof during the time for which their  
respective policies are written; and they shall also, at the time of effecting the insu-  
rance, pay such percentage in cash, and such other charge as may be required by the  
rules or by-laws of the company.

1. Introduced by Mr. Fuller February 26, 1879, and ordered to first reading.
2. First reading February 27, 1879, and referred to Committee on Insurance.
3. Reported back March 5, 1879, passage recommended and ordered to second reading.
4. April 7, second reading, amended and ordered to third reading.

---

### A BILL

For an act to amend sections three (3), seven (7) and eight (8) of an act entitled "An act to revise the law in relation to township insurance companies," approved March 24, 1874, in force July 1, 1874.

---

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That sections three (3), seven (7) and eight (8) of an act entitled "An act to revise the law in relation to township insurance companies," approved March 24, 1874 and in force July 1, 1874, be and the same are hereby amended so as to read, respectively, as follows:—*

§ 3. The number of directors shall not be less than three, a majority of whom shall constitute a quorum to do business, to be elected from the corporators by ballot, and hold their offices until their successors are elected and qualified. In the election of the first board of directors, each corporator shall be entitled to one vote. All subsequent elections, except to fill vacancies, shall be held at the annual meeting of the company, which shall be on the first Tuesday after the first Monday in January in each year, and every person insured shall be entitled to as many votes as there are directors to be elected, and an equal additional number for each five hundred dollars (\$500) that he may be insured in the company, and may cast the same in person or by proxy: *Provided*, such votes shall be equally distributed among such number of candidates as shall be equal to the number of directors to be elected.

§ 7. Any person owning property in the district for which any such company is formed, may become a member of such company by insuring therein, and shall be

3 entitled to all the rights and privileges appertaining thereto; but no person not resid-  
4 ing in the district in which the company is formed shall become a director of such  
5 company.

6 § 8. Such company may issue policies only on detached dwellings, barns (except  
7 livery, boarding and hotel barns) and other farm buildings, and such property as may  
8 properly be contained therein, and also on hay and grain in stock, and live stock on  
9 the premises occupied by the insured, for any time not exceeding five years, and not to  
10 extend beyond the limited duration of the charter, and for an amount not to exceed  
11 three thousand dollars (\$3000) on any one risk. All persons so insured shall give their  
12 obligation to the company, binding themselves, their heirs and assigns to pay their *pro*  
13 *rata* share to the company of the necessary expenses and of all losses by fire or light-  
14 ning which may be sustained by any member thereof during the time for which their  
15 respective policies are written; and they shall, also, at the time of effecting their in-  
16 surance, pay such percentage in cash, and such other charge as may be required by the  
17 rules or by-laws of the company.

(In House.)

1. Reported to House May 2, 1879.
2. First reading May 5, and referred to Committee on Insurance.
3. Reported back with amendments, passage recommended, as amended, and ordered to second reading, May 14.

**Amendments to Senate Bill No. 345, offered by Committee on Insurance.**

Amend title by striking out the word "and," in second line, and insert after the figure "eight," in same line, the words and figures as follows: "Sixteen (16) and seventeen (17)."

Amend section one (1) by striking out the word "and," in fourth line, and insert after figure "eight," in fifth line, the words and figures "sixteen (16) and seventeen (17)."

Amend section eight (8) by striking out the word "detached," in second line, and insert in lieu thereof the word "farm." Also, insert after the word "written," in the sixth line from the end of the section, the following: "Also for reinsurance premium, necessary to reinsure any risks that may be decided upon by a majority of the directors of the company."

Amend section 16 to read as follows:

"SECTION 16. Any member of such company may withdraw therefrom, at any time, by surrendering his policy for cancellation, by giving notice in writing to the Secretary thereof, and paying his share of all claims then existing against said company. And it shall be the duty of the Secretary of any such company, under the penalty provided in section 17 of this act, to acknowledge in writing the receipt of said notice of withdrawal, which receipt shall be a bar to the collection of any assessment for losses or expenses accruing after the date of such notice of any member to the secretary of any such company: *Provided*, that the company shall have power to cancel or reinsure any policy or policies by giving the assured notice to that effect."

Amend section seventeen (17) to read as follows:

"SECTION 17. It shall be the duty of the president and secretary of every such company to make a report annually under oath to the Auditor of Public Accounts, during

24 the month of January each year, upon blanks furnished by the Auditor, giving an ac-  
 25 curate account of premiums received, the amount of cash on hand, the amount paid for  
 26 losses and expenses during the preceding year; also, the amount of risks written, ter-  
 27 minated or reinsured, and showing the amount of risks on the 31st day of December  
 28 next preceding, together with an accurate account of the kind of property insured,  
 29 giving the number of policies issued on dwellings, barns, and their contents, and any  
 30 other kind of property on which a policy has been issued by said company; and if such  
 31 report shows that any such company is insuring property not authorized by this act,  
 32 under which such company was created, or if any company shall fail or refuse to make  
 33 report as herein provided, it shall be the duty of the Auditor to withhold the annual  
 34 certificate until he shall cause an examination to be made, and the business of the com-  
 35 pany revised so as to conform strictly to the provisions of the act under which said  
 36 company was organized; the expense of such examination to be paid by the company  
 37 examined; and any president or secretary of any such company, who shall fail or refuse  
 38 to comply with any of the duties or provisions required of them by this act, shall be  
 39 subject to a penalty not exceeding two hundred dollars, to be sued for and recovered  
 40 in the name of the people, by the State's Attorney of the county in which said company  
 41 is located, or in which the officers reside; said penalty, when recovered, to be paid into  
 42 the county treasury for the benefit of the school fund. And it shall not be lawful for  
 43 any such company to advertise the amount of property insured as capital for the pay-  
 44 ment of losses."

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### A BILL

For an act to amend sections three (3), seven (7) and eight (8) of an act entitled "An act  
 to revise the law in relation to township insurance companies," approved March 24,  
 1874, in force July 1, 1874.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That sections three (3), seven (7) and eight (8) of an act entitled "An Act to revise the law in relation to townsmen insurance companies," approved March 24, 1874, and in force July 1, 1874, be and the same are hereby amended so as to read, respectively, as follows:

§ 6. The number of directors shall not be less than three, a majority of whom shall constitute a quorum to do business, to be elected from the corporators, by ballot, and hold their office until their successors are elected and qualified. In the election of the first board of directors, each corporator shall be entitled to one vote. All subsequent elections, except to fill vacancies, shall be held at the annual meeting of the company, which shall be on the first Tuesday after the first Monday in January of each year, and every person insured shall be entitled to as many votes as there are directors to be elected, and an equal additional number for each five hundred dollars (\$500) that he may be insured in the company, and may cast the same in person or by proxy: *Provided*, such votes shall be equally distributed among such number of candidates as shall be equal to the number of directors to be elected.

§ 7. Any person owning property in the district for which any such company is formed, may become a member of such company by insuring therein, and shall be entitled to all the rights and privileges appertaining thereto; but no person not residing in the district in which the company is formed shall become a director of such company.

§ 8. Such company may issue policies only on detached dwellings, barns (except livery, boarding and hotel barns) and other farm buildings, and such property as may properly be contained therein, and also on hay and grain in stock, and live stock on the premises occupied by the insured, for any time not exceeding five years, and not to extend beyond the limited duration of the charter, and for an amount not to exceed three thousand dollars (\$3,000) on any one risk. All persons so insured shall give their obligation to the company, binding themselves, their heirs and assigns to pay their *pro rata* share to the company of the necessary expenses and of all losses by fire or lightning which may be sustained by any member thereof during the time for which their

10 respective policies are written; and they shall, also, at the time of effecting their in-  
11 surance, pay such percentage in cash, and such other charge as may be required by the  
12 rules or by laws of the company.

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1. Introduced by Mr. Hunt, from Committee on Judiciary, Feb. 27, 1879, and ordered to first reading.
  2. First reading February 27, 1879, and ordered to second reading.
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### A BILL

For An act to amend an act entitled "An act concerning Jurors," approved February 11, 1874, in force February 11, 1874.

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SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That an act entitled "An act concerning Jurors," approved February 11, 1874, in force February 11, 1874, be and the same is hereby amended by adding thereto a section, to be known and numbered section 26, which shall read as follows:

SECTION 26. In the trial of any criminal cause wherein the jury shall be kept together by order of the court, it shall be the duty of the county board, in counties not under township organization, and the board of supervisors, in counties under township organization, to audit and pay out of the county treasury a reasonable sum for the board of such jury whilst so kept together.





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(In House.)

1. Reported to House April 29, 1879.
2. First reading May 5, and referred to Committee on Judiciary.
3. Reported back, passage recommended, and ordered to second reading May 10.

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**A BILL**

For an act to amend an act entitled "An act concerning Jurors," approved February 11, 1874, in force February 11, 1874.

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SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That an act entitled "An act concerning Jurors," approved February 11, 1874, in force February 11, 1874, be and the same is hereby amended by adding thereto a section, to be known and numbered section 26, which shall read as follows :

SECTION 26. In the trial of any criminal cause wherein the jury shall be kept together by order of the court, it shall be the duty of the county board, in counties not under township organization, and the board of supervisors in counties under township organization, to audit and pay out of the county treasury a reasonable sum for the board of such jury whilst so kept together.



1. Introduced by MR. FRANTZ, February 27, 1879, and ordered to First Reading.
2. First Reading Feb. 27, 1879, and referred to Committee on Municipalities.
3. Reported back with Recommendation that it be ordered to Second Reading, February 28, 1879, so ordered.

## A BILL

For an act to amend an act, approved April 27, 1877, entitled, "an act to amend an act entitled, 'an act relating to county and city debts, and to provide for the payment thereof, by taxation, in such counties and cities,' approved February 13, 1865; and to amend the title thereof."

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly*, That an act, approved April 27, 1877, entitled, "an act to amend an act entitled, 'an act relating to county and city debts, and to provide for the payment thereof, by taxation, in such counties and cities,' approved February 13, 1865; and to amend the title thereof," be, and the same is hereby amended, so that section second shall read as follows:

§ 2. The first and subsequent sections of the said act shall be as follows:

§ 1. That, in all cases where any county, city, town, township, school district or other municipal corporation has issued bonds or other evidences of indebtedness, for money, or has contracted debts which are the binding, subsisting legal obligations of such county, city, town, township, school district or other municipal corporation, and the same, or any portion thereof, remain outstanding and unpaid, it shall be lawful for the proper corporate authorities of any such county, city, town, township, school district or other municipal corporation, upon the surrender of any such bonds or other evidences of indebtedness, or any number or portion thereof, to the owners or holders of the same, new bonds, prepared as hereinafter directed, and for such amounts, upon such time not exceeding twenty years, payable at such place, and bearing such rate of interest not exceeding seven per centum per annum, as may be agreed upon with the owners or holders of such outstanding bonds or other evidences of indebtedness. And it shall also be lawful for the proper corporate

14 authorities of any such county, city, town, township, school district or other municipi-  
 15 pal corporation, to cause to be thus issued such new bonds, to be sold as hereinafter  
 16 provided, to raise money to purchase or retire any or all of such outstanding bonds  
 17 or other evidences of indebtedness; the proceeds of the sales of such new bonds to  
 18 be expended, under the direction of the corporate authorities aforesaid, in the pur-  
 19 chase or retiring of the outstanding bonds or other evidences of indebtedness of such  
 20 county, city, town, township, school district or other municipal corporation, and for  
 21 no other purpose whatever. All bonds, or other evidences of indebtedness, issued  
 22 under the provisions of this act, shall show upon their face that they are issued un-  
 23 der this act, and the purpose for which they are issued; and shall be of uniform de-  
 24 sign and style, throughout the state, to be prescribed by the state auditor, whose im-  
 25 perative duty it shall be to devise and prepare such uniform style and draft adapted to  
 26 the classes of bonds herein provided for, namely: the first class to consist of bonds of  
 27 which only the interest is payable annually; the second class to consist of those of  
 28 which the interest and five per centum of the principal are to be paid annually, and  
 29 the third class to consist of a graduated series, the first grade made payable, prin-  
 30 cipal and interest, at the end of one year from the date of issue, the second at the  
 31 end of two years, and thus to the end of the series—the class to be issued being at  
 32 the option of the legal voters expressed as herein provided. In any case, the new  
 33 bonds, or other evidences of indebtedness, authorized to be issued by this act, shall  
 34 not be for a greater sum in the aggregate than the principal and accrued or earned  
 35 interest unpaid of such outstanding bonds, or other evidences of indebtedness. And  
 36 when such new bonds, or other evidences of indebtedness, shall have been issued, in  
 37 order to be placed on the market and sold to obtain proceeds with which to retire  
 38 outstanding bonds, or other evidences of indebtedness, it shall be the duty of the  
 39 state auditor, on the request of the corporate authorities issuing them, and at the  
 40 expense of the corporation in whose behalf the issue is thus made, to negotiate the  
 41 same, at par value, and on the best terms which can be obtained *Provided, That*  
 42 no new bonds, or other evidences of indebtedness, shall be issued under this act,  
 43 unless the same shall be first authorized, as hereinafter provided, by a vote of a  
 44 majority of the legal voters of such county, city, town, township, school district or

45 other municipal corporation, voting at some general election, or special election held  
46 for that purpose.

§ 2. In all cases where any county, city, town, township, school district or other  
2 municipal corporation shall issue any bonds, or evidences of indebtedness, under  
3 this act, it shall be the duty of the county clerk of such county, or other officer to  
4 whom, or to whose office, the assessment rolls for state taxation of the property  
5 within such county, city, town, township, school district or other municipal corpora-  
6 tion, are, or shall be, returnable, within five days after the total value of the property  
7 subject to taxation therein shall be returned to him, to make out and transmit to the  
8 Auditor of Public Accounts, to be filed in his office, a certificate setting forth the to-  
9 tal value of all taxable property, of every nature and description, within such county,  
10 city, town, township, school district, or other municipal corporation, as exhibited by  
11 such assessment. And it shall be the duty of the Auditor of Public Accounts to  
12 place on the back of all new bonds, or other evidences of indebtedness, issued under  
13 the provisions of this act, a certificate setting forth an aggregate statement of the  
14 amount of valuation of the taxable property of the municipal corporation issuing  
15 such new bonds, or other evidences of indebtedness; said certificate specifically dis-  
16 tinguishing the value of real estate and personal property, and being based on the  
17 return provided for in this section, or, if there should be no such return made by the  
18 county clerk to the State Auditor, then based on the assessment for the preceding  
19 year.

§ 3. It shall be lawful for the corporate authorities of any such municipal corpo-  
2 ration, or officers authorized by law to call elections therein, on the petition of ten  
3 legal voters resident therein, to submit to the voters thereof, at any election held  
4 therein, the question of issuing bonds under this act, by posting a notice in ten of  
5 the most public places therein, and by publishing the same in the nearest news-  
6 paper, twenty days before said election; which notice shall state the number of  
7 bonds proposed to be issued; the kind or class thereof as specified in the first sec-  
8 tion of the act of 1865 as hereby amended, and as also amended by the said act of  
9 1877; the amount of each, the rate of interest under the limitation of this amenda-  
10 tory act; when and where payable; for what purpose issued; and the time and place  
11 when and where said election will be held. And, upon like petition and notice, it

shall be lawful for such corporate authorities, or officers, to submit the question of issuing bonds under this act, at a special election, which shall be held and conducted in like manner as other elections therein. The ballots shall read, "For issuing the bonds," or "Against issuing the bonds." If a majority of the votes cast be "For issuing the bonds," the same shall be issued in conformity to the specifications of said notice. Nothing contained in this act, or in the acts to which this is an amendment, shall be held to repeal, or in any wise affect the power of the city of Chicago, to issue new bonds of said city, conferred by an act of the General Assembly, approved February 13, 1865, amending the charter of said city, nor to, in anywise, affect any other law which authorizes municipal corporations to issue bonds, or other evidences of indebtedness, and which does not provide for the registration thereof.

§ 4. Upon the surrender of any bond, or other evidence of indebtedness under this act, the same shall be endorsed, canceled, and shall, from time to time, be destroyed under the direction of the authority issuing the same. Upon the issuing of any new bond, or evidence of indebtedness, the clerk or other officer having custody of the records of the fiscal matters of such county, city, town, township, school district, or other municipal corporation, as the case may be, shall make registration thereof in a book to be kept in his office for that purpose, showing the date, amount, number, class, date of maturity, rate of interest, and place of payment of such new bond, or other evidence of indebtedness, and the description of the bond, or evidence of indebtedness, for which, or for the purchasing or retiring of which, the same was given as nearly as practicable. On presentation of any such new bond, or evidence of indebtedness, issued under this act at the office of the Auditor of Public Accounts, for registration, the said Auditor shall cause the same to be registered in his office, in a book to be kept for that purpose; such registration shall show the date, amount, number, class, date of maturity, rate of interest, time when such interest is payable, and place of payment of the principal and interest of such bond, or other evidence of indebtedness, under what act, by what authority, for what purpose, and by what county, city, town, township, school district, or other municipal corporation issued, and the name of the person or persons presenting the same for registration; and for such registration the Auditor shall be entitled to a fee of twenty-five cents, and the

21 Auditor shall, under his seal of office, certify upon such bond the fact of such  
 22 registration; for which the Auditor shall be entitled to a fee of twenty-five cents,  
 23 such fees to be paid by the person or persons desiring such registration and certifi-  
 24 cate.

§ 5 When the bonds, or other evidences of indebtedness, of any county, city,  
 2 town, township, school district, or other municipal corporation, to the amount of five  
 3 thousand dollars, shall be so registered, the auditor of public of accounts shall, an-  
 4 nually ascertain the amount of interest for the current year due and accrued, and  
 5 to accrue, on all such bonds, and evidences of indebtedness, so registered in his office  
 6 on the first day of January then next preceding; to which amount, where such bonds,  
 7 or evidences of indebtedness, provide for the payment of a portion of the principal  
 8 thereof, annually, he shall add such an amount as shall be equal to such portion of  
 9 the principal to be so paid; and shall upon the basis of the certificate of the valua-  
 10 tion of property to be transmitted to him, as aforesaid, or, in case no such certificate  
 11 shall be transmitted to him, or filed in his office, then upon the basis of the total val-  
 12 uation of the property in such county, city, town, township, school district, or other  
 13 municipal corporation, for the year next preceding, estimate and determine the rate  
 14 per centum upon the valuation of such property, requisite to meet and satisfy the  
 15 said interest, or interest and principal as the case may be, together with the ordina-  
 16 ry cost to the state of the collection and disbursement of the same, to be estimated  
 17 by the auditor and state treasurer; and shall make and transmit to the county clerk  
 18 of such county, or of the county in which such city, town, township, school district  
 19 or other municipal corporation is situated, or to the officer or authority whose duty it  
 20 is, or may be, to prepare the estimates and books for the collection of state taxes in  
 21 such county, city, town, township, school district, or other municipal corporation, a  
 22 certificate setting forth such estimated requisite per centum for such purposes to be  
 23 filed in his office; and the said per centum shall thereupon be deemed added to and  
 24 a part of the per centum which is, or may be, levied, or provided by law, for the  
 25 purposes of state revenue, and shall be so treated by such clerk, officer, or authori-



26 ty in making such estimates and books for the collection of state taxes; and the said  
 27 taxes shall be collected with the state taxes; and all laws relating to the state reve-  
 28 nue shall apply thereto, except as herein otherwise provided; and such per centum  
 29 shall be deducted from the levy of such county, city, town, township, school district,  
 30 or other municipal corporation, for the current or ensuing year, to be applied by the  
 31 state treasurer on their respective bonds issued under the provisions of this act.

§ 6 The state shall be deemed the custodian only of the tax so collected, and shall  
 2 not be deemed, in any manner liable on account of such bonds, or other evidences of  
 3 indebtedness; but the tax and funds so collected shall be deemed pledged and ap-  
 4 propriated to the payment of the principal and interest of the registered bonds, and  
 5 evidences of indebtedness, to satisfy which the same is herein before provided to be  
 6 collected, as aforesaid; and such new bonds, and evidences of indebtedness, issued  
 7 under the authority hereof, shall be deemed secured and provided for, in virtue and  
 8 faith hereof, until fully satisfied. The state shall, annually, collect and apply the  
 9 said fund to the satisfaction of the interest, or interest and portion of the principal,  
 10 as the case may be, of such registered bonds, or evidences of indebtedness, of any  
 11 such county, city, town, township, school district, or other municipal corporation, to  
 12 the extent the same is herein contemplated to be derived from such tax, in the same  
 13 manner as the interest on the bonds of the state is, or may be, collected, or paid, and  
 14 in like moneys as shall be receivable in payment of state taxes; and moneys so paid  
 15 upon the principal of any such bonds, or evidences of indebtedness, shall be en-  
 16 dorsed thereon, and due receipt therefor shall be taken and filed in the office of the  
 17 auditor of public accounts, or state treasurer, and interest coupons, or bonds of evi-  
 18 dence of indebtedness, so paid, shall be returned to one of said officers, and shall be  
 19 canceled and returned to the corporate authorities of the municipality which issued  
 20 the same, and destroyed in the same manner as those pertaining to the state debt.

§ 7. The state may, out of such fund, first retain or satisfy the ordinary cost to  
 2 the state of the collection and disbursement thereof; and in case of the non-present-  
 3 ment of any such bond, or evidence of indebtedness, or interest coupon of any such

4 county, city, town, township, school district, or other municipal corporation, for  
 5 payment, at the times and when and where the interest on the state debt is, or may  
 6 be paid, then, on the beginning of the next year, the moneys by reason thereof un-  
 7 disbursed, together with any surplus for any cause remaining, shall be carried to  
 8 the fund of such county, city, town, township, school district, or other municipal  
 9 corporation, of the current or ensuing year, and be considered by the auditor in  
 10 making his next estimate for taxation therein for such year under this act, and shall  
 11 be applied accordingly. All laws relating to the payment of interest on the state  
 12 debt, or the cancellation of the evidences thereof, not inconsistent with this act shall  
 13 apply to the receipt, custody and disbursement of the taxes and funds provided by  
 14 this act.

§ 8 Upon the maturity of such registered bond, or other evidence of indebted-  
 3 ness, and the non-payment thereof by the county, city, town, township, school dis-  
 4 trict, or other municipal corporation issuing the same, the holder thereof may cause  
 5 the same to be registered in the office of the auditor, as a matured, or unsatisfied  
 6 bond, or evidence of indebtedness; and, thereupon, for the purpose of providing for  
 7 the payment of the principal thereof, at the rate of five per centum of such princi-  
 8 pal, annually, and of the interest thereon in arrear, and for the current year to ac-  
 9 crue, together with the cost to the state of the collection and disbursement thereof,  
 10 as aforesaid; the same proceedings in all respects, shall be had as is hereinbefore  
 11 provided for the payment of the interest on such bonds and evidences of indebted-  
 12 ness, by the collection of an annual tax sufficient for the purposes in this section  
 13 contemplated; and the same shall be collected and applied, as aforesaid, to such  
 14 purpose, from year to year, until the full satisfaction thereof; when such bonds or  
 15 evidences of indebtedness shall be canceled or returned, as hereinbefore provided.

§ 9. Upon the payment of any such registered bond, or evidence of indebtedness,  
 2 and presentation thereof to the auditor, he shall cause due entry thereof to be made  
 3 in his office.

§ 10. There shall be allowed to the officers collecting and paying over the taxes  
2 authorized to be collected under the provisions of this act, the same fees or compen-  
3 sation as is, or may be allowed by law for collecting and paying over state taxes ;  
4 and where such tax is levied, the bonds of the collectors thereof shall be increased  
5 in proportion to the estimated amount of such tax to be collected.

1. Introduced by Mr. Frantz, February 27, and ordered to first reading.
2. First reading February 27, and referred to Committee on Municipalities.
3. Reported back with recommendation that it be ordered to second reading, February 28, so ordered.
4. April 2, second reading, amended and ordered to third reading.

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## A BILL

For an act to amend an act, approved April 27, 1877, entitled "An act to amend an act entitled 'an act relating to county and city debts, and to provide for the payment thereof, by taxation, in such counties and cities,' approved February 13, 1865, and to amend the title thereof."

---

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General*

2 *Assembly,* That an act, approved April 27, 1877, entitled "An Act to amend an act  
3 entitled 'an act relating to county and city debts, and to provide for the payment  
4 thereof, by taxation, in such counties and cities,' approved February 13, 1865, and to  
5 amend the title thereof," be and the same is hereby amended, so that section two shall  
6 read as follows:

§ 2. The first and subsequent sections of the said act shall be as follows:

§ 1. That in all cases where any county, city, town, township, school district or  
2 other municipal corporation, has issued bonds or other evidences of indebtedness, for  
3 money, or has contracted debts which are the binding, subsisting legal obligations of such  
4 county, city, town, township, school district or other municipal corporation, and the  
5 same, or any portion thereof, remain outstanding and unpaid, it shall be lawful for the  
6 proper corporate authorities of any such county, city, town,  
7 township, school district or other municipal corporation, upon the surrender of any

8 such bonds or other evidences of indebtedness, or any number or portion thereof, to  
 9 issue in lieu or place thereof, to the owners or holders of the same, new bonds, prepared  
 10 as hereinafter directed, and for such amounts, upon such time not exceeding twenty  
 11 years, payable at such place, and bearing such rate of interest, not exceeding seven per  
 12 centum per annum, as may be agreed upon with the owners or holders of such out-  
 13 standing bonds or other evidences of indebtedness: *Provided*, that bonds issued under  
 14 this act, to mature within five years from their date, may bear interest not to exceed  
 15 eight per cent. per annum. And it shall also be lawful for the proper corporate  
 16 authorities of any such county, city, town, township, school district or other municipal  
 17 corporation, to cause to be thus issued such new bonds, to be sold as hereinafter pro-  
 18 vided, to raise money to purchase or retire any or all of such outstanding bonds or other  
 19 evidence of indebtedness; the proceeds of the sales of such new bonds to be expended  
 20 under the direction of the corporate authorities aforesaid, in the purchase or retiring  
 21 of the outstanding bonds or other evidences of indebtedness of such county, city, town,  
 22 township, school district or other municipal corporation, and for no other purpose what-  
 23 ever. All bonds, or other evidences of indebtedness, issued under the provisions of this  
 24 act, shall show upon their face that they are issued under this act, and the purpose for  
 25 which they are issued; and shall be of uniform design and style throughout the State,  
 26 to be prescribed by the State Auditor, whose imperative duty it shall be to devise and  
 27 prepare such uniform style and draft adapted to the classes of bonds herein provided  
 28 for, namely: the first class to consist of bonds of which only the interest is payable  
 29 annually; the second class to consist of those of which the interest and five per centum  
 30 of the principal are to be paid annually, and the third class to consist of a graduated  
 31 series, the first grade made payable, principal and interest, at the end of one year from  
 32 the date of issue, the second at the end of two years, and thus to the end of the series,  
 33 the class to be issued being at the option of the legal voters expressed as herein pro-  
 34 vided. In any case, the new bonds, or other evidences of indebtedness, authorized to  
 35 be issued by this act, shall not be for a greater sum in the aggregate than the principal  
 36 and accrued or earned interest unpaid of such outstanding bonds, or other evidences of  
 37 indebtedness. And when such new bonds or other evidences of indebtedness shall have  
 38 been issued, in order to be placed on the market and sold to obtain proceeds with  
 39 which to retire outstanding bonds, or other evidences of indebtedness, it shall be the

40 duty of the State Auditor, on the request of the corporate authorities issuing them, and  
 41 at the expense of the corporation in whose behalf the issue is thus made, to negotiate  
 42 the same, at not less than par value, and on the best terms which can be obtained: *Pro-*  
 43 *vided*, that no new bonds, or other evidences of indebtedness, shall be issued under this  
 44 act, unless the same shall be first authorized, as hereinafter provided, by a vote of a  
 45 majority of the legal voters of such county, city, town, township, school district or  
 46 other municipal corporation, voting at some general election, or special election held  
 47 for that purpose.

§ 2. In all cases where any county, city, town, township, school district or other  
 2 municipal corporation shall issue any bonds, or evidences of indebtedness, under this  
 3 act, it shall be the duty of the county clerk of such county, or other officer to whom or  
 4 to whose office the assessment rolls for State taxation of the property within such coun-  
 5 ty, city, town, township, school district or other municipal corporation, are or shall be  
 6 returnable, within five days after the total value of the property subject to taxation  
 7 therein shall be returned to him, to make out and transmit to the auditor of public ac-  
 8 counts, to be filed in his office, a certificate setting forth the total value of all taxable  
 9 property of every nature and description within such county, city, town, township,  
 10 school district or other municipal corporation, as exhibited by such assessment. And it  
 11 shall be the duty of the auditor of public accounts to place on the back of all new bonds  
 12 or other evidences of indebtedness, issued under the provisions of this act, a certificate  
 13 setting forth an aggregate statement of the amount of valuation of the taxable prop-  
 14 erty of the municipal corporation issuing such new bonds or other evidences of indebt-  
 15 edness; said certificate specifically distinguishing the value of real estate and personal  
 16 property and being based on the return provided for in this section, or, if there should  
 17 be no such return made by the county clerk to the State auditor, then based on an affi-  
 18 davit made by the officials of the corporation issuing the bonds.

§ 3. It shall be lawful for the corporate authorities of any such municipal corpora-  
 2 tion, or officers authorized by law to call elections therein, on the petition of ten legal  
 3 voters resident therein, to submit to the voters thereof at any general or special elec-  
 4 tion the question of issuing bonds under this act, by posting a notice in ten of the  
 5 most public places therein, and by publishing the same in the nearest newspaper two-  
 6 ty days before said election, which notice shall state the number and amount of bonds

27 proposed to be issued; the kind or class thereof as specified in the first  
 8 section of the act of 1865 as hereby amended, and as also amended by the said act of  
 9 1877; the amount of each, the rate of interest under the limitation of this amend-  
 10 tory act; when and where payable; for what purpose issued, and the time and place  
 11 when and where said election will be held. And upon like petition and notice, it  
 12 shall be lawful for such corporate authorities, or officers, to submit the question of issu-  
 13 ing bonds under this act, at a special election, which shall be held and conducted in like  
 14 manner as other elections therein. The ballots shall read "For issuing the bonds," or  
 15 "Against issuing the bonds." If a majority of the votes cast be "For issuing the  
 16 bonds," the same shall be issued in conformity to the specifications of said notice.  
 17 Nothing contained in this act, or in the acts to which this is an amendment, shall be  
 18 held to repeal, or in any wise affect the power of the city of Chicago, to issue new  
 19 bonds of said city, conferred by an act of the General Assembly, approved February 13,  
 20 1865, amending the charter of said city, nor to, in anywise, affect any other law which  
 21 authorizes municipal corporations to issue bonds, or other evidences of indebtedness,  
 22 and which does not provide for the registration thereof.

§ 4. Upon the surrender of any bond, or other evidence of indebtedness under  
 2 this act, the same shall be endorsed, canceled, and shall, from time to time, be de-  
 3 stroyed under the direction of the authority issuing the same. Upon the issuing of  
 4 any new bond, or evidence of indebtedness, the clerk or other officer having custody  
 5 of the records of the fiscal matters of such county, city, town, township, school  
 6 district, or other municipal corporation, as the case may be, shall make registration  
 7 thereof in a book to be kept in his office for that purpose, showing the date, amount,  
 8 number, class, date of maturity, rate of interest, and place of payment of such new  
 9 bond, or other evidence of indebtedness, and the description of the bond or evidence  
 10 of indebtedness, for which, or for the purchasing or retiring of which, the same was  
 11 given as nearly as practicable. On presentation of any such new bond, or evidence  
 12 of indebtedness, issued under this act at the office of the Auditor of Public Accounts,  
 13 for registration, the said Auditor shall cause the same to be registered in his office,  
 14 in a book to be kept for that purpose; such registration shall show the date, amount,  
 15 number, class, date of maturity, rate of interest, time when such interest is payable,

and place of payment of the principal and interest of such bond, or other evidence of indebtedness, under what act, by what authority, for what purpose, and by what county, city, town, township, school district, or other municipal corporation issued, and the name of the person or persons presenting the same for registration; and for such registration the Auditor shall be entitled to a fee of twenty-five cents, and the Auditor shall, under his seal of office, certify upon such bond the fact of such registration, for which the Auditor shall be entitled to a fee of twenty-five cents, such fees to be paid by the person or persons desiring such registration and certificate. No bonds issued under this act shall be entitled to registration in the office of the State Auditor until a sworn certificate shall have been filed with him, showing that all the requirements of this act have been fully complied with, in their issue. In the case of county boards, such affidavits shall be made by the chairman of the county board; in case of township bonds, by the supervisor of such township; in case of city bonds, by the mayor of such city; in case of town or village bonds, by the chairman of the town or village board; and in case of school district bonds, by each of the directors of such school district. Said certificate shall set forth the date of the election that the people authorized the issuance of the bonds, and shall state the class, date, number, amount, rate of interest and date of maturity of the bonds, the aggregate equalized value of real property, and the aggregate equalized value of personal property assessed in such locality for the previous year, together with any other information in relation thereto which may be demanded by the Auditor of Public Accounts.

§ 5. When the bonds or other evidences of indebtedness of any county, city, town, township, school district or other municipal corporation shall be so registered, the auditor of public accounts shall annually ascertain the amount of principal and interest due and accrued, and to accrue, for the current year, on all such bonds and evidences of indebtedness so registered in his office, and shall upon the basis of the certificate of the valuation of property, to be transmitted to him as aforesaid, or in case no such certificate shall be transmitted to him or filed in his office, then upon the basis of the total valuation of the property in such county, city, town, township, school district or other municipal corporation, for the year next preceding, estimate and determine the rate per centum upon the valuation of such property requisite to meet and satisfy the said interest or interest and principal, as the case may be, together with the ordinary cost to the



12 State of the collection and disbursement of the same, to be estimated by the auditor  
 13 and State Treasurer, and shall make and transmit to the county clerk of such county,  
 14 or of the county in which such city, town, township, school district or other municipal  
 15 corporation is situated, or to the officer or authority whose duty it is or may be to pre-  
 16 pare the estimates and books for the collection of State taxes in such county, city,  
 17 town, township, school district or other municipal corporation, a certificate setting forth  
 18 such estimated requisite per centum for such purposes to be filed in his office; and the  
 19 said per centum shall thereupon be deemed added to and a part of the per centum  
 20 which is or may be levied, or provided by law, for the purposes of State revenue, and  
 21 shall be so treated by such clerk, officer or authority in making such estimates and  
 22 books for the collection of State taxes; and the said taxes shall be collected with the  
 23 State taxes, and all laws relating to the State revenue shall apply thereto, except as  
 24 herein otherwise provided.

§ 6 The state shall be deemed the custodian only of the tax so collected, and shall  
 2 not be deemed in any manner liable on account of such bonds, or other evidences of in-  
 3 debtedness; but the tax and funds so collected shall be deemed pledged and appropri-  
 4 ated to the payment of the principal and interest of the registered bonds and evidences  
 5 of indebtedness, to satisfy which the same is herein before provided to be collected, as  
 6 aforesaid: and such new bonds and evidences of indebtedness, issued under the author-  
 7 ity hereof, shall be deemed secured and provided for, in virtue and faith hereof, until  
 8 fully satisfied. The state shall, annually, collect and apply the said fund to the satis-  
 9 faction of the interest, or interest and portion of the principal, as the case may be, of  
 10 such registered bonds, or evidences of indebtedness, of any such county, city, town,  
 11 township, school district, or other municipal corporation, to the extent the same is  
 12 herein contemplated to be derived from such tax, in the same manner as the interest on  
 13 the bonds of the state is, or may be collected or paid, and in like moneys as shall be re-  
 14 ceivable in payment of state taxes; and moneys so paid upon the principal of any  
 15 such bonds, or evidences of indebtedness, shall be endorsed thereon, and due receipts  
 16 therefor shall be taken and filed in the office of the Auditor of Public Accounts, or State  
 17 Treasurer, and interest coupons, or bonds of evidences of indebtedness, so paid, shall  
 18 be returned to one of said officers, and shall be cancelled and returned to the corporate

19 authorities of the municipality which issued the same, in the manner now provided by  
20 law.

§ 7. The state may, out of such fund, first retain or satisfy the ordinary cost to the  
2 state of the collection and disbursement thereof; and in case of the non-payment  
3 of any such bond, or evidence of indebtedness, or interest coupon of any such  
4 county, city, town, township, school district, or other municipal corporation, for pay-  
5 ment, at the times and when and where the interest on the State debt is or may be  
6 paid, then, on the beginning of the next year, the moneys by reason thereof undi-  
7 bursed, together with any surplus for any cause remaining, shall be carried to the  
8 fund of such county, city, town, township, school district, or other municipal corpora-  
9 tion, of the current or ensuing year, and be considered by the Auditor in making his  
10 next estimate for taxation therein for such year under this act, and shall be applied ac-  
11 cordingly. All laws relating to the payment of interest on the State debt, or the can-  
12 cellation of the evidences thereof, not inconsistent with this act, shall apply to the  
13 receipt, custody and disbursement of the taxes and funds provided by this act.

§ 8. Upon the maturity of such registered bond, or other evidence of indebted-  
2 ness, and the non-payment thereof by the county, city, town, township, school dis-  
3 trict, or other municipal corporation issuing the same, the holder thereof may cause  
4 the same to be registered in the office of the Auditor, as a matured, or unsatisfied  
6 bond, or evidence of indebtedness; and, thereupon, for the purpose of providing for  
7 the payment of the principal thereof, at the rate of five per centum of such principal,  
8 annually, and of the interest thereon in arrear, and for the current year to accrue, to-  
9 gether with the cost to the State of the collection and disbursement thereof, as afore-  
10 said; the same proceedings in all respects, shall be had as is hereinbefore provided for  
11 the payment of the interest on such bonds and evidences of indebtedness, by the collec-  
12 tion of an annual tax sufficient for the purposes in this section contemplated; and the  
13 same shall be collected and applied, as aforesaid, to such purpose, from year to year,  
14 until the full satisfaction thereof, when such bonds or evidences of indebtedness shall  
15 be canceled and returned, as hereinbefore provided.

§ 9. Upon the payment of any such registered bond, or evidence of indebtedness,  
2 and presentation thereof to the Auditor, he shall cause due entry thereof to be made in  
3 his office.

§ 10. There shall be allowed to the officers collecting and paying over the taxes  
2 authorized to be collected under the provisions of this act, the same fees or compensa-  
3 tion as is or may be allowed by law for collecting and paying over State taxes; and  
4 where such tax is levied, the bonds of the collectors thereof shall be increased in pro-  
5 portion to the estimated amount of such tax to be collected.

(In House.)

Reported from House April 25, 1879.

2. First reading April 28, 1879, and ordered to second reading.

## A BILL

For an act to amend an act, approved April 27, 1877, entitled "An act to amend an act entitled 'an act relating to county and city debts, and to provide for the payment thereof, by taxation, in such counties and cities,' approved February 13, 1865, and to amend the title thereof."

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General*

*Assembly,* That an act, approved April 27, 1877, entitled "An Act to amend an act entitled 'an act relating to county and city debts, and to provide for the payment thereof, by taxation, in such counties and cities,'" approved February 13, 1865, and to amend the title thereof," be and the same is hereby amended, so that section two shall read as follows:

§ 2. The first and subsequent sections of the said act shall be as follows:

§ 1. That in all cases where any county, city, town, township, school district, or other municipal corporation, has issued bonds or other evidences of indebtedness, for money, or has contracted debts which are the binding, subsisting legal obligations of such county, city, town, township, school district or other municipal corporation, and the same, or any portion thereof, remain outstanding and unpaid, it shall be lawful for the proper corporate authorities of any such county, city, town, township, school district or other municipal corporation, upon the surrender of any such bonds or other evidences of indebtedness, or any number or portion thereof, to issue in lieu or place thereof, to the owners or holders of the same, new bonds, prepared as hereinafter directed, and for such amounts, upon such time not exceeding twenty

10 years, payable at such place, and bearing such rate of interest, not exceeding seven per  
centum per annum, as may be agreed upon with the owners or holders of such out-  
standing bonds or other evidences of indebtedness: *Provided*, that bonds issued under  
this act, to mature within five years from their date, may bear interest not to exceed  
eight per cent. per annum. And it shall also be lawful for the proper corporate  
authorities of any such county, city, town, township, school district or other municipal  
corporation, to cause to be thus issued such new bonds, to be sold as hereinafter pro-  
vided, to raise money to purchase or retire any or all of such outstanding bonds or other  
evidence of indebtedness; the proceeds of the sales of such new bonds to be expended  
under the direction of the corporate authorities aforesaid, in the purchase or retiring  
of the outstanding bonds or other evidences of indebtedness of such county, city, town,  
township, school district or other municipal corporation, and for no other purpose what-  
ever. All bonds, or other evidences of indebtedness, issued under the provisions of this  
act, shall show upon their face that they are issued under this act, and the purpose for  
which they are issued; and shall be of uniform design and style throughout the State,  
to be prescribed by the State Auditor, whose imperative duty it shall be to devise and  
prepare such uniform style and draft adapted to the classes of bonds herein provided  
for, namely: the first class to consist of bonds of which only the interest is payable  
annually; the second class to consist of those of which the interest and five per centum  
of the principal are to be paid annually, and the third class to consist of a graduated  
series, the first grade made payable, principal and interest, at the end of one year from  
the date of issue, the second at the end of two years, and thus to the end of the series;  
the class to be issued being at the option of the legal voters expressed as herein pro-  
vided. In any case, the new bonds, or other evidences of indebtedness, authorized to  
be issued by this act, shall not be for a greater sum in the aggregate than the principal  
and accrued or earned interest unpaid of such outstanding bonds, or other evidences of  
indebtedness. And when such new bonds or other evidences of indebtedness shall have  
been issued, in order to be placed on the market and sold to obtain proceeds with  
which to retire outstanding bonds, or other evidences of indebtedness, it shall be the  
duty of the State Auditor, on request of the corporate authorities issuing them, and  
at the expense of the corporation in whose behalf the issue is thus made, to negotiate  
the same, at not less than par value, and on the best terms which can be obtained:

43 *Provided*, that no new bonds or other evidences of indebtedness shall be issued under  
44 this act, unless the same shall be first authorized, as hereinafter provided, by a vote of a  
45 majority of the legal voters of such county, city, town, township, school district or other  
46 municipal corporation voting at some general election, or special election held for that  
47 purpose.

§ 2. In all cases where any county, city, town, township, school district or other  
2 municipal corporation shall issue any bonds or evidences of indebtedness, under this  
3 act, it shall be the duty of the county clerk of such county, or other officer to whom or  
4 to whose office the assessment rolls for State taxation of the property within such county,  
5 city, town, township, school district or other municipal corporation, are or shall be  
6 returnable within five days after the total value of the property subject to taxation  
7 therein shall be returned to him, to make out and transmit to the Auditor of Public  
8 Accounts, to be filed in his office, a certificate setting forth the total value of all taxable  
9 property, of every nature and description, within such county, city, town, township,  
10 school district or other municipal corporation, as exhibited by such assessment; and it  
11 shall be the duty of the Auditor of Public Accounts to place on the back of all new bonds  
12 or other evidences of indebtedness issued under the provisions of this act a certificate  
13 setting forth an aggregate statement of the amount of valuation of the taxable prop-  
14 erty of the municipal corporation issuing such new bonds or other evidences of indebt-  
15 edness; said certificate specifically distinguishing the value of real estate and personal  
16 property, and being based on the return provided for in this section, or, if there should  
17 be no such return made by the county clerk to the State Auditor, then based on an  
18 affidavit made by the officials of the corporation issuing the bonds.

§ 3. It shall be lawful for the corporate authorities of any such municipal corpora-  
2 tion, or officers authorized by law to call elections therein, on the petition of ten legal  
3 voters resident therein, to submit to the voters thereof, at any general or special elec-  
4 tion the question of issuing bonds under this act, by posting a notice in ten of the most  
5 public places therein, and by publishing the same in the nearest newspaper twenty  
6 days before said election, which notice shall state the number and amount of bonds  
7 proposed to be issued; the kind or class thereof as specified in the first  
8 section of the act of 1866 as hereby amended, and as also amended by the said act of  
9 1877; the amount of each, the rate of interest under the limitation of this amendatory

act; when and where payable; for what purpose issued, and the time and place when and where said election will be held. And upon like petition and notice, it shall be lawful for such corporate authorities, or officers, to submit the question of issuing bonds under this act, at a special election, which shall be held and conducted in like manner as other elections therein. The ballots shall read "For issuing the bonds," or "Against issuing the bonds." If a majority of the votes cast be "For issuing the bonds," the same shall be issued in conformity to the specifications of said notice. Nothing contained in this act, or in the acts to which this is an amendment, shall be held to repeal, or in any wise effect the power of the city of Chicago, to issue new bonds of said city, conferred by an act of the General Assembly, approved February 13, 1865, amending the charter of said city, nor to, in anywise, affect any other law which authorizes municipal corporations to issue bonds, or other evidences of indebtedness, and which does not provide for the registration thereof.

§ 4. Upon the surrender of any bond, or other evidence of indebtedness under this act, the same shall be endorsed, canceled, and shall, from time to time, be destroyed under the direction of the authority issuing the same. Upon the issuing of any new bond, or evidence of indebtedness, the clerk, or other officer having custody of the records of the fiscal matters of such county, city, town, township, school district, or other municipal corporation, as the case may be, shall make registration thereof in a book to be kept in his office for that purpose, showing the date, amount, number, class, date of maturity, rate of interest, and place of payment of such new bond, or other evidence of indebtedness, and the description of the bond or evidence of indebtedness, for which, or for the purchasing or retiring of which, the same was given as nearly as practicable. On presentation of any such new bond, or evidence of indebtedness, issued under this act at the office of the Auditor of Public Accounts, for registration, the said Auditor shall cause the same to be registered in his office, in a book to be kept for that purpose; such registration shall show the date, amount, number, class, date of maturity, rate of interest, time when such interest is payable, and place of payment of the principal and interest of such bond, or other evidence of indebtedness, under what act, by what authority, for what purpose, and by what county, city, town, township, school district, or other municipal corporation issued, and the name of the person or persons presenting the same for registration; and for

such registration the Auditor shall be entitled to a fee of twenty-five cents, and the Auditor shall, under his seal of office, certify upon such bond the fact of such registration, for which the Auditor shall be entitled to a fee of twenty-five cents, such fees to be paid by the person or persons desiring such registration and certificate. No bonds issued under this act shall be entitled to registration in the office of the State Auditor until a sworn certificate shall have been filed with him, showing that all the requirements of this act have been fully complied with, in their issue. In the case of county boards, such affidavits shall be made by the chairman of the county board; in case of township bonds, by the supervisor of such township; in case of city bonds, by the mayor of such city; in case of town or village bonds, by the chairman of the town or village board; and in case of school district bonds, by each of the directors of such school district. Said certificate shall set forth the date of the election that the people authorized the issuance of the bonds, and shall state the class, date, number, amount, rate of interest and date of maturity of the bonds, the aggregate equalized value of real property, and the aggregate equalized value of personal property assessed in such locality for the previous year, together with any other information in relation thereto which may be demanded by the Auditor of Public Accounts.

§ 5. When the bonds or other evidences of indebtedness of any county, city, town, township, school district or other municipal corporation shall be so registered, the auditor of public accounts shall annually ascertain the amount of principal and interest due and accrued, and to accrue, for the current year, on all such bonds and evidences of indebtedness so registered in his office, and shall upon the basis of the certificate of the valuation of property, to be transmitted to him as aforesaid, or in case no such certificate shall be transmitted to him or filed in his office, then upon the basis of the total valuation of the property in such county, city, town, township, school district or other municipal corporation, for the year next preceding, estimate and determine the rate per centum upon the valuation of such property requisite to meet and satisfy the said interest or interest and principal, as the case may be, together with the ordinary cost to the State of the collection and disbursement of the same, to be estimated by the auditor and State Treasurer, and shall make and transmit to the county clerk of such county, or of the county in which such city, town, township, school district or other municipal corporation is situated, or to the officer or authority whose duty it is or may be to pre-



16 pare the estimates and books for the collection of State taxes in such county, city,  
 17 town, township, school district or other municipal corporation, a certificate setting forth  
 18 such estimate-requisite per centum for such purposes to be filed in his office; and the  
 19 said per centum shall thereupon be deemed added to and a part of the per centum  
 20 which is or may be levied, or provided by law, for the purposes of State revenue, and  
 21 shall be so treated by such clerk, officer or authority in making such estimates and  
 22 books for the collection of State taxes; and the said taxes shall be collected with the  
 23 State taxes, and all laws relating to the State revenue shall apply thereto, except as  
 24 herein otherwise provided.

§ 6. The State shall be deemed the custodian only of the tax so collected, and shall  
 2 not be deemed in any manner liable on account of such bonds, or other evidences of in-  
 3 debtedness; but the tax and funds so collected shall be deemed pledged and appropri-  
 4 ated to the payment of the principal and interest of the registered bonds and evidences  
 5 of indebtedness, to satisfy which the same is hereinbefore provided to be collected, as  
 6 aforesaid, and such new bonds and evidences of indebtedness, issued under the authority  
 7 hereof, shall be deemed secured and provided for, in virtue and faith hereof, until  
 8 fully satisfied. The State shall, annually, collect and apply the said fund to the satis-  
 9 faction of the interest, or interest and portion of the principal, as the case may be, of  
 10 such registered bonds, or evidences of indebtedness, of any such county, city, town,  
 11 township, school district, or other municipal corporation, to the extent the same is here-  
 12 in contemplated to be derived from such tax, in the same manner as the interest on  
 13 the bonds of the State is, or may be collected or paid, and in like moneys as shall be re-  
 14 ceivable in payment of State taxes; and moneys so paid upon the principal of any  
 15 such bonds, or evidence of indebtedness, shall be endorsed thereon, and due receipts  
 16 therefor shall be taken and filed in the office of the Auditor of Public Accounts, or State  
 17 Treasurer, and interest coupons, or bonds of evidences of indebtedness, so paid, shall  
 18 be returned to one of said officers, and shall be cancelled and returned to the corporate  
 19 authorities of the municipality which issued the same, in the manner now provided by  
 20 law.

§ 7. The state may, out of such fund, first retain or satisfy the ordinary cost to the

2 state of the collection and disbursement thereof; and in case of the non-presentment  
 3 of any such bond, or evidence of indebtedness, or interest coupon of any such county,  
 4 city, town, township, school district, or other municipal corporation, for payment, at the  
 5 times and when and where the interest on the State debt is or may be paid, then, on the  
 6 beginning of the next year, the moneys by reason thereof undischarged, together with  
 7 any surplus for any cause remaining, shall be carried to the fund of such county,  
 8 city, town, township, school district, or other municipal corporation, of the current or  
 9 ensuing year, and be considered by the auditor in making his next estimate for taxation  
 10 therein for such year under this act, and shall be applied accordingly. All laws re-  
 11 lating to the payment of interest on the State debt, or the cancellation of the evidences  
 12 thereof, not inconsistent with this act, shall apply to the receipt, custody and disburse-  
 13 ment of the taxes and funds provided by this act.

§ 8. Upon the maturity of such registered bond, or other evidence of indebted-  
 2 ness, and the non-payment thereof by the county, city, town, township, school dis-  
 3 trict, or other municipal corporation issuing the same, the holder thereof may cause  
 4 the same to be registered in the office of the Auditor, as a matured or unsatisfied bond,  
 5 or evidence of indebtedness; and thereupon, for the purpose of providing for the pay-  
 6 ment of the principal thereof, at the rate of five per centum of such principal, annually,  
 7 and of the interest thereon in arrear, and for the current year to accrue, together with  
 8 the cost to the State of the collection and disbursement thereof, as aforesaid; the same  
 9 proceedings, in all respects, shall be had as is hereinbefore provided for the payment of  
 10 the interest on such bonds and evidences of indebtedness, by the collection of an annual  
 11 tax sufficient for the purposes in this section contemplated; and the same shall be col-  
 12 lected and applied, as aforesaid, to such purpose, from year to year, until the full satis-  
 13 faction thereof, when such bonds or evidences of indebtedness shall be canceled and  
 14 returned, as hereinbefore provided.

§ 9. Upon the payment of any such registered bond, or evidence of indebtedness,  
 2 and presentation thereof to the Auditor, he shall cause due entry thereof to be made in  
 3 his office.

§ 10. There shall be allowed to the officers collecting and paying over the taxes  
 2 authorized to be collected under the provisions of this act, the same fees or compensa-

tion as is or may be allowed by law for collecting and paying over State taxes; and  
where such tax is levied, the bonds of the collectors thereof shall be increased in proportion to the estimated amount of such tax to be collected.

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(In House.)

1. Reported to House April 25, 1879.
  2. First reading April 28, and ordered to a second reading.
  3. Second reading, and ordered to third reading, May 7.
  4. Vote ordering third reading reconsidered, amended, and again ordered to a third reading, May 16.
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Amendments to Senate Bill No. 348, offered and adopted May 16, 1879.

Amend section 1 by inserting after the word "obtained," in line 42: "*Provided*, al-  
2 ways, that any such county, city, town, township, school district or other municipal  
3 corporation issuing bonds under the provisions of this act, may, through its corporate  
4 authorities duly authorized, negotiate, sell or dispose of said bonds, or any part there-  
5 of, at not less than their par value without the intervention of the Auditor of State,  
6 and."

7 And by inserting the word "*further*" after the word "*Provided*," in line 43.

8 Amend section 1 by striking out in lines 17 and 18, between the word "bonds" in  
9 line 17 and the words "to raise" in line 18, the words "to be sold as hereinafter pro-  
10 vided," and insert the words "and sell the same."

11 Amend section 5 by adding the following: "*Provided*, that it shall be lawful for the  
12 county collector at any time before settlement with the State Treasurer to pay from  
13 such taxes any coupons that are due for interest that may be presented for payment,  
14 and to pay from any surplus, not required for interest purposes, the principal of any  
15 such bond that may be presented for payment, whether due or not, and in settlement  
16 with the State Treasurer the county collector shall be credited with such paid coupons  
17 and bonds the same as money."

W. B. TAYLOR, Clerk.



1. Introduced by Mr. Dearborn, February 27, 1879, and ordered to first reading.
2. First reading February 27, 1879, and referred to Committee on Agriculture and Drainage.
3. Reported back, passage recommended and referred to Committee on Appropriations.
4. March 19, 1879, reported back with amendments, passage recommended and ordered to second reading.

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Amendments recommended by Appropriation Committee to Senate Bill 350.

- Amend by striking out the words "and for the use of county or other subordinate agricultural boards, the sum of one hundred dollars per annum, each, for the years 1879 and 1880," beginning in line nine of the written bill, after the figures "1880."
- Amend by striking out the words "six hundred dollars," after the word "of," in line eighteen of the written bill, and inserting in lieu thereof the words "five hundred dollars."
- Amend by striking out the words "for curator, the sum of six hundred dollars per annum, for the years 1879 and 1880," beginning in line twenty of the written bill, after the figures "1880."
- Amend by striking out the words "fifteen hundred," in line twenty-three of the written bill, after the word "of," and inserting in lieu thereof the words "twelve hundred dollars."

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A BILL

For an act making an Appropriation for the State Board of Agriculture, and the County and other Subordinate Boards of Agriculture.

- SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That there be and is hereby appropriated to the State Board of Agriculture

the sums following, to-wit: For the payment of premiums at the annual State fair, the sum of three thousand dollars per annum, for the years 1879 and 1880, and for the use of county or other subordinate agricultural boards, the sum of one hundred dollars per annum, each, for the years 1879 and 1880; for the salary of the secretary, the sum of two thousand dollars per annum, for the years 1879 and 1880; for clerk hire, the sum of one thousand dollars per annum, for the years 1879 and 1880; for porter, the sum of six hundred dollars per annum, for the years 1879 and 1880; for curator, the sum of six hundred dollars per annum, for the years 1879 and 1880; for the museum, the sum of fifteen hundred dollars per annum, for the years 1879 and 1880; for the expense of collecting and publishing monthly crop statistics, the sum of one thousand dollars per annum, for the years 1879 and 1880; for the purchase of books, maps and charts, the sum of five hundred dollars per annum, for the years 1879 and 1880; for repairs, postage, expressage and other incidental office expenses, the sum of five hundred dollars per annum, for the years 1879 and 1880.

§ 2. That on the order of the president, countersigned by the Secretary of the State Board of Agriculture, and approved by the Governor, the State Auditor shall draw his warrant upon the treasurer in favor of the treasurer of the State Board of Agriculture for the sum herein appropriated: *Provided*, That each warrant shall show the Agricultural Board for whose benefit the same is drawn, and that no warrant shall be drawn in favor of any agricultural board unless the order aforesaid be accompanied by a certificate of the State Board of Agriculture, showing that such subordinate or county agricultural board have held an agricultural fair during the preceding year in compliance with the rules and regulations, as provided for by law: *Provided, further*, That no part of the money herein provided for shall be drawn from the public treasury prior to the first day of July, A. D. 1879.

§ 3. It shall be the duty of the treasurer of the State Board of Agriculture to pay over to the proper officer of the subordinate or county agricultural board the sum received for its use and benefit, as aforesaid, and to make a biennial report to the Governor of all such appropriations received and disbursed by him.

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(In House.)

1. Reported to House April 19, 1879.
  2. First reading April 19. and referred to Committee on Appropriations.
  3. Reported back with amendments, passage recommended, and ordered to second reading April 26.
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Amendments to Senate Bill No. 350 offered by Committee on Appropriations April 26.

- Amend, by inserting after the word "county" in tenth line of section one and "sub-  
ordinate" in sixteenth line of section two and fourth line of section three of writte  
Bill the word "district."
- 

## A BILL

For an act making an Appropriation for the State Board of Agriculture, and the County  
and other Subordinate Boards of Agriculture.

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SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General*  
2 *Assembly, That there be and is hereby appropriated to the State Board of Agriculture*  
3 *the sums following, to-wit: For the payment of premiums at the annual State fair,*  
4 *the sum of three thousand dollars per annum, for the years 1879 and 1880, and for the*  
5 *use of county or other subordinate agricultural boards, the sum of one hundred dollars*  
6 *per annum, each, for the years 1879 and 1880; for the salary of the secretary, the sum*  
7 *of two thousand dollars per annum, for the years 1879 and 1880; for clerk hire, the*  
8 *sum of one thousand dollars per annum, for the years 1879 and 1880; for porter the*  
9 *sum of six hundred dollars per annum, for the years 1879 and 1880; for curator, the sum*



10 of six hundred dollars per annum, for the years 1879 and 1880: for the museum, the  
 11 sum of fifteen hundred dollars per annum, for the years 1879 and 1880; for the ex-  
 12 pense of collecting and publishing monthly crop statistics, the sum of one thousand  
 13 dollars per annum, for the years 1879 and 1880; for the purchase of books, maps and  
 14 charts, the sum of five hundred dollars per annum, for the years 1879 and 1880; for re-  
 15 pairs, postage, expressage and other incidental office expenses, the sum of five hundred  
 16 dollars per annum, for the years 1879 and 1880.

§ 2. That on the order of the president, countersigned by the Secretary of the  
 2 State Board of Agriculture, and approved by the Governor, the State Auditor shall  
 3 draw his warrant upon the treasurer in favor of the Treasurer of the State Board of  
 4 Agriculture for the sum herein appropriated: *Provided*, That each warrant shall show  
 5 the Agricultural Board for whose benefit the same is drawn, and that no warrant  
 6 shall be drawn in favor of any agricultural board unless the order aforesaid be accom-  
 7 panied by a certificate of the State Board of Agriculture, showing that such subord-  
 8 inate or county agricultural board have held an agricultural fair during the preceding  
 9 year in compliance with the rules and regulations, as provided for by law: *Provided*,  
 10 further, That no part of the money herein provided for shall be drawn from the public  
 11 treasury prior to the first day of July, A. D. 1879.

§ 3. It shall be the duty of the treasurer of the State Board of Agriculture to pay  
 2 over to the proper officer of the subordinate or county agricultural board the sum re-  
 • 3 ceived for its use and benefit, as aforesaid, and to make a biennial report to the Gov-  
 4 ernor of all such appropriations received and disbursed by him.

- 
1. Introduced by Mr. Marshall February 27, 1879, and ordered to first reading.
  2. First reading February 27, 1879, and referred to Committee on Roads, Highways, and Bridges.
  3. Reported back with amendments, passage recommended, and ordered to second reading March 12, 1879.
- 

Amendment reported by Committee on Roads, Highways and Bridges March 12, 1879.

Amend by striking out the words "and subject to immediate arrest, either with or  
2 without warrant and taken before any justice of the peace or other court of competent  
3 jurisdiction," beginning in line nine of section 13, of the written bill.

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### A BILL

For an act to amend section 13 of an act entitled "An Act to revise the law in relation to  
toll bridges," approved March 23, 1874, in force July 1, 1874.

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SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General  
2 Assembly, That section thirteen of an act entitled "An Act to revise the law in relation  
3 to toll bridges," approved March 23, 1874, in force July 1, 1874, be amended to read as  
4 follows :*

SECTION 13. *Every person who shall wilfully break through, draw or injure any gate  
2 erected on any toll bridge, or shall forcibly or fraudulently pass over any such bridge  
3 without having first paid or tendered the legal toll, or shall ride any horse or mule, or  
4 drive any team faster than a walk over such toll bridge shall be deemed guilty of a mis-  
5 demeanor and subject to immediate arrest, either with or without warrant, and taken*

6 before any justice of the peace or other court of competent jurisdiction and upon con-  
7 viction shall be fined, in addition to the damage resulting from such wrongful act, in any  
8 sum not exceeding ten dollars, and in default of payment thereof, shall be committed to  
9 the county jail until such fine and costs are paid.

1. Introduced by Mr. Marshall Feb. 27, 1879, and ordered to first reading.
2. First reading Feb. 27, 1879, and referred to Committee on Roads, Highways and Bridges.
3. Reported back with amendments, passage recommended, and ordered to second reading March 12, 1879.
4. March 22, 1879, second reading, amended and ordered to third reading.

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## A BILL

For an act to amend section 13 of an act entitled "An Act to revise the law in relation to toll bridges," approved March 23, 1874; in force July 1, 1874.

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SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That section thirteen of an act entitled "An Act to revise the law in relation to toll bridges," approved March 23, 1874; in force July 1, 1874, be amended so as to read as follows:

SECTION 13. Every person who shall wilfully break, throw, draw or injure any gate erected on any toll bridge, or shall forcibly or fraudulently pass over any such bridge without having first paid or tendered the legal toll, or shall ride any horse or mule, or drive any team faster than a walk over such toll bridge, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined, in addition to the damage resulting from such wrongful act, in any sum not exceeding ten dollars, and in default of payment thereof, shall be committed to the county jail until said fine and costs are paid.



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(In House.)

1. Reported to House April 29, 1879.
2. First reading May 5, and referred to Committee on Corporations.
3. Reported back, passage recommended and ordered to second reading May 15.

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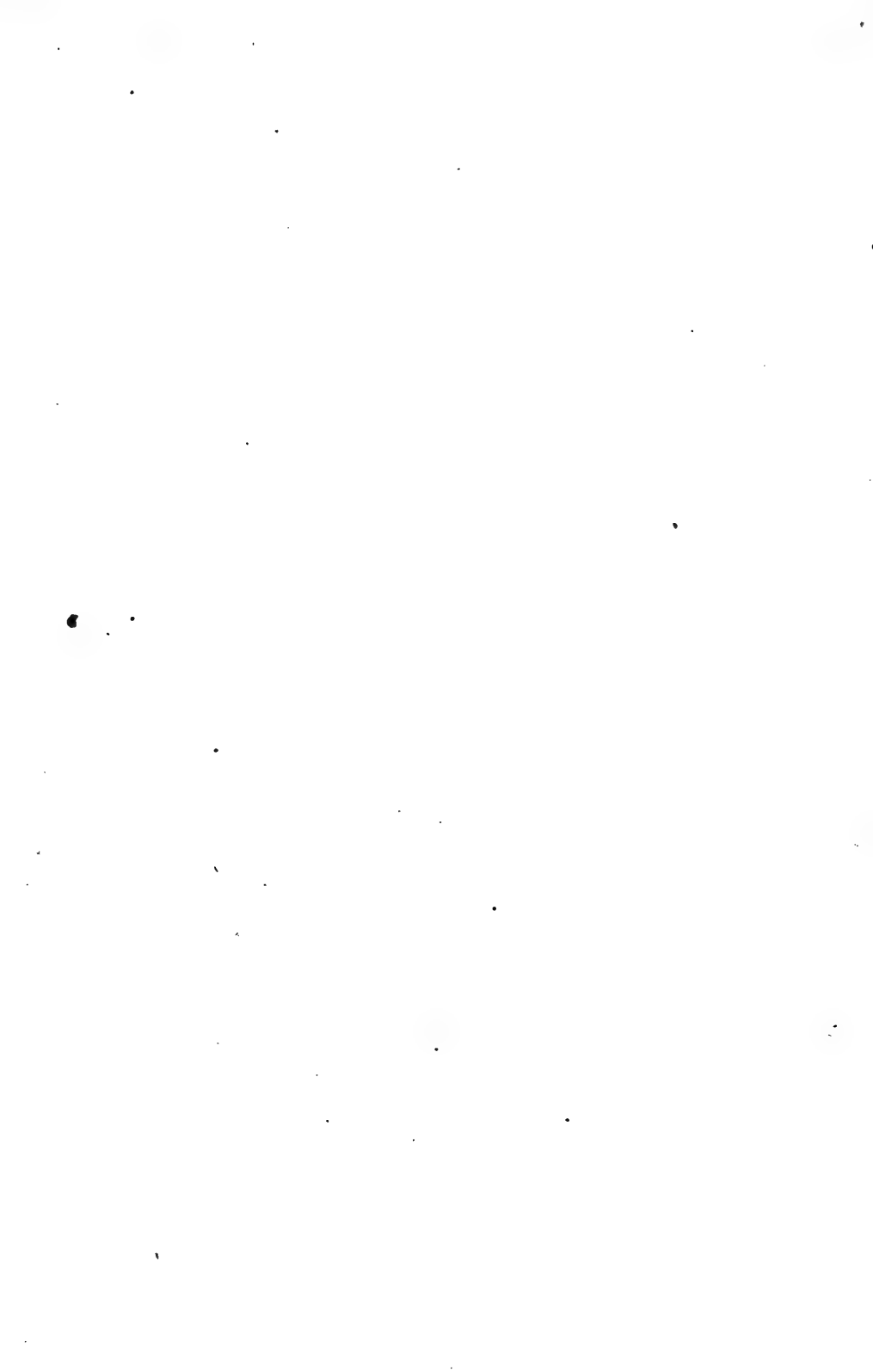
## A BILL

For an Act to amend section 13 of an act entitled "An Act to revise the law in relation to Toll Bridges," approved March 23, 1874; in force July 1, 1874.

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SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That section thirteen of an act entitled "An Act to revise the law in relation to toll bridges," approved March 23, 1874; in force July 1, 1874, be amended so as to read as follows:

SECTION 13. Every person who shall wilfully break, throw, draw or injure any gate erected on any toll bridge, or shall forcibly or fraudulently pass over any such bridge without having first paid or tendered the legal toll, or shall ride any horse or mule, or drive any team faster than a walk over such toll bridge, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined, in addition to the damage resulting from such wrongful act, in any sum not exceeding ten dollars, and in default of payment thereof, shall be committed to the county jail until said fine and costs are paid.



1. Introduced by Mr. Brink, February 27, 1879, and ordered to first reading.
  2. First reading February 27, 1879, and referred to Committee of Judiciary.
  3. Reported back with amendments, passage recommended, and ordered to second reading March 5.
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Amendments to Senate Bill No. 352, reported from Committee on Judiciary.

Amend by striking out the word "not," after the word "illness," in the third specification, section seventy.

Also, by striking out all of the fifth specification.

Also, by striking out the word "sixth," in numbering of specifications, and inserting "fifth."

Also, by striking out the word "seventh," in numbering of specifications, and inserting "sixth."

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### A BILL

For an act to amend section 70 of an act entitled "An Act in regard to administration of estates," approved April 1, 1872, and in force July 1, 1872.

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SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That section 70 of an act entitled "An Act in regard to administration of estates," approved April 1, 1872, and in force July 1, 1872, be and the same is hereby amended so as to read as follows:

SECTION 70. All demands against the estate of any testator or intestate shall be divided into classes, in manner following, to-wit:



3 *First*—Funeral expenses and court cost, and expenses of administration, including  
 4 the expense for proving the will and taking letters testamentary or of administration.

5 *Second*—The widow's award, if there is a widow, or children, if there are children  
 6 and no widow.

7 *Third*—All money due to any person for labor, and the expenses attending the last  
 8 illness, not including physicians bill.

9 *Fourth*—Debts due the common school or township fund.

10 *Fifth*—The physicians bill in the last illness of the deceased.

11 *Sixth*—Where the decedent has received money in trust for any purpose, his executor  
 12 or administrator shall pay out of his estate the amount thus received and not accounted  
 13 for.

14 *Seventh*—All other debts and demands of whatever kind, without regard to quality,  
 15 which shall be exhibited to the court within two years from the granting of letters  
 16 aforesaid: *Provided*, No interest shall be allowed on debts and demands after twelve  
 17 months from the granting of letters, until final settlement, which have not been ex-  
 18 hibited to the court within one year from the granting of letters aforesaid, if lawful  
 19 notice has been given for adjustment of claims; and all demands not exhibited within  
 20 two years as aforesaid, shall be forever barred, unless the creditors shall find other  
 21 estate of the deceased, not inventoried, or accounted for by the executor or administra-  
 22 tor, in which case their claims shall be paid *pro rata* out of such subsequently discov-  
 23 ered estate, saving, however, to *femes covert*, infants, persons of unsound mind or im-  
 24 prisoned, or without the United States, in the employment of the United States or of  
 25 this State, the term of two years after respective disabilities are removed, to exhibit  
 26 such claim.

1. Introduced by Mr. Brink Feb. 27, 1879, and ordered to first reading.
2. First reading Feb. 27, 1879, and referred to Committee on Judiciary.
3. Reported back with amendments, passage recommended and ordered to second reading March 5.
4. March 24, second reading, amended and ordered to third reading.

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## A BILL

For an act to amend section seventy (70) of an act entitled "An Act in regard to administration of estates, approved April 1, 1872, and in force July 1, 1872.

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SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General*

*Assembly, that section seventy (70) of an act entitled "An Act in regard to administration of estates," approved April 1, 1872, and in force July 1, 1872, be and the same is hereby amended so as to read as follows :*

SECTION 70. All demands against the estate of any testator, or intestate, shall be divided into classes, in manner following, to-wit :

First—Funeral expenses and court cost, and expenses of administration, including the expense for proving the will and taking letters testamentary, or of administration.

Second—The widow's award, if there is a widow, or children, if there are children and no widow.

Third—Where the decedent has received money in trust for any purpose, his executor or administrator shall pay out of his estate the amount thus received and not accounted for.

Fourth—All money due to any person for labor, and the expenses attending the last illness, not including physicians' bill.

Fifth—Debts due the common school or township fund.

Sixth—All other debts and demands of whatever kind, without regard to quality, which shall be exhibited to the court within two years from the granting of letters

15 aforesaid: *Provided*, no interest shall be allowed on debts and demands after twelve  
16 months from the granting of letters, until final settlement, which have not been exhib-  
17 ited to the court within one year from the granting of letters aforesaid, if lawful notice  
18 has been given for adjustment of claims; and all demands not exhibited within two  
19 years, as aforesaid, shall be forever barred, unless the creditors shall find other estate  
20 of the deceased, not inventoried, or accounted for by the executor or administrator, in  
21 which case their claims shall be paid, *pro rata*, out of such subsequently discovered  
22 estate, saving, however, to *femmes covert* infants, persons of unsound mind, or impris-  
23 oned, or without the United States, in the employment of the United States, or of this  
24 State, the term of two years after respective disabilities are removed, to exhibit such  
25 claim.

1. Introduced by White, from Committee on Municipalities, February 22, 1879, and ordered to first reading.
2. First reading March 3, 1879, and ordered to second reading.

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## A BILL

For An Act to enable cities, towns and villages to contract with each other for  
Sewerage.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly, That whenever any city or incorporated town or village, shall be adjacent or to contiguous to any other city or incorporated town or village, they shall be authorized to contract with each other upon such terms as may be agreed upon between them to allow and permit the one the use and benefit of any sewer or drain, or any system of sewerage or drainage heretofore constructed, or which may be hereafter constructed by the other; and further, that any such sewer or drain, or system of sewerage or drainage constructed, or which may hereafter be constructed by the one, may be extended or furnished to the inhabitants of the other, and they may, by contract with each other, provide for the joint construction of any sewer or drain by the municipalities so contracting, and for the common use thereof by the inhabitants of such municipalities.*

§ 2. The contract contemplated in section one of this act may be made by ordinance or resolution duly enacted or passed by the Common Council Board of Trustees or other proper legislative authority of the city or incorporated town or village proposing such contract, and ratified or assented to by ordinance or resolution duly enacted or passed by the Common Council, Board of Trustees or other proper legislative authority of the city or incorporated town or village confirming or agreeing to such contract;

7 and every such contract, when ratified or confirmed by the proper corporate author-  
8 ities of the municipal corporations who are parties thereto shall be in all respects valid  
9 and binding.

1. Introduced by Mr. Munn, February 28, 1879, and ordered to first reading.
2. First reading February 28, 1879, and referred to Committee on Appropriations.
3. Reported back with amendment, passage recommended, and ordered to second reading March 4, 1879.

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Amendment reported from Committee on Appropriations March 4, 1879.

- Amend by striking out the sum of \$1,549 10 in line four, section one of the written
- 2 bill, and inserting in lieu thereof the sum of \$1,642 04.

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### A BILL

For an act making appropriation to pay the expense of transferring two hundred (200) convicts from the Illinois State Penitentiary at Joliet, to the Southern Illinois Penitentiary at Chester, on the 21st day of March, 1878.

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- SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General*
- 2 *Assembly,* That the sum of one thousand five hundred and forty-nine dollars and ten
- 3 cents (\$1,549 10) be and the same is hereby appropriated to pay the expenses of trans-
- 4 ferring two hundred convicts from the Illinois State Penitentiary to the Southern Illi-
- 5 nois Penitentiary, by order of the Governor, on the 21st day of March, 1878.

- § 2. That the Auditor of Public Accounts is hereby authorized and directed to
- 2 draw his warrant payable to R. W. McClaughry, Warden, for the aforesaid sum, when
- 3 he shall furnish vouchers for the payment of the same, approved by the Governor.

§ 3. WHEREAS, the aforesaid sum is due and owing, and has been since March 21,  
2 1878, therefore an emergency exists, and this act shall be in force from and after its  
3 passage.

1. Introduced by Mr. Munn February 28, 1879, and ordered to first reading.
2. First reading February 28, and referred to Committee on Appropriations.
3. Reported back with amendment, passage recommended and ordered to second reading March 4.
4. April 4, second reading and ordered to third reading.

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## A BILL

For an Act making appropriation to pay the expense of transferring two hundred (200) convicts from the Illinois State Penitentiary at Joliet, to the Southern Illinois Penitentiary at Chester, on the 21st day of March, 1878.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly,* That the sum of one thousand six hundred and forty-two dollars and four cents (\$1,642.04) be and the same is hereby appropriated to pay the expenses of transferring two hundred convicts from the Illinois State Penitentiary to the Southern Illinois Penitentiary, by order of the Governor, on the 21st day of March, 1878.

§ 2. That the Auditor of Public Accounts is hereby authorized and directed to draw his warrant payable to R. W. McClaghry, Warden, for the aforesaid sum, when he shall furnish vouchers for the payment of the same, approved by the Governor.

§ 3. WHEREAS, The aforesaid sum is due and owing, and has been since March 31, 1878, therefore, an emergency exists, and this act shall be in force from and after its passage.





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(In House.)

1. Reported to House April 19, 1879.
2. First reading April 19, 1879, and referred to Committee on Appropriations.
3. Reported back, passage recommended, and ordered to second reading, May 1, 1879.

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## A BILL

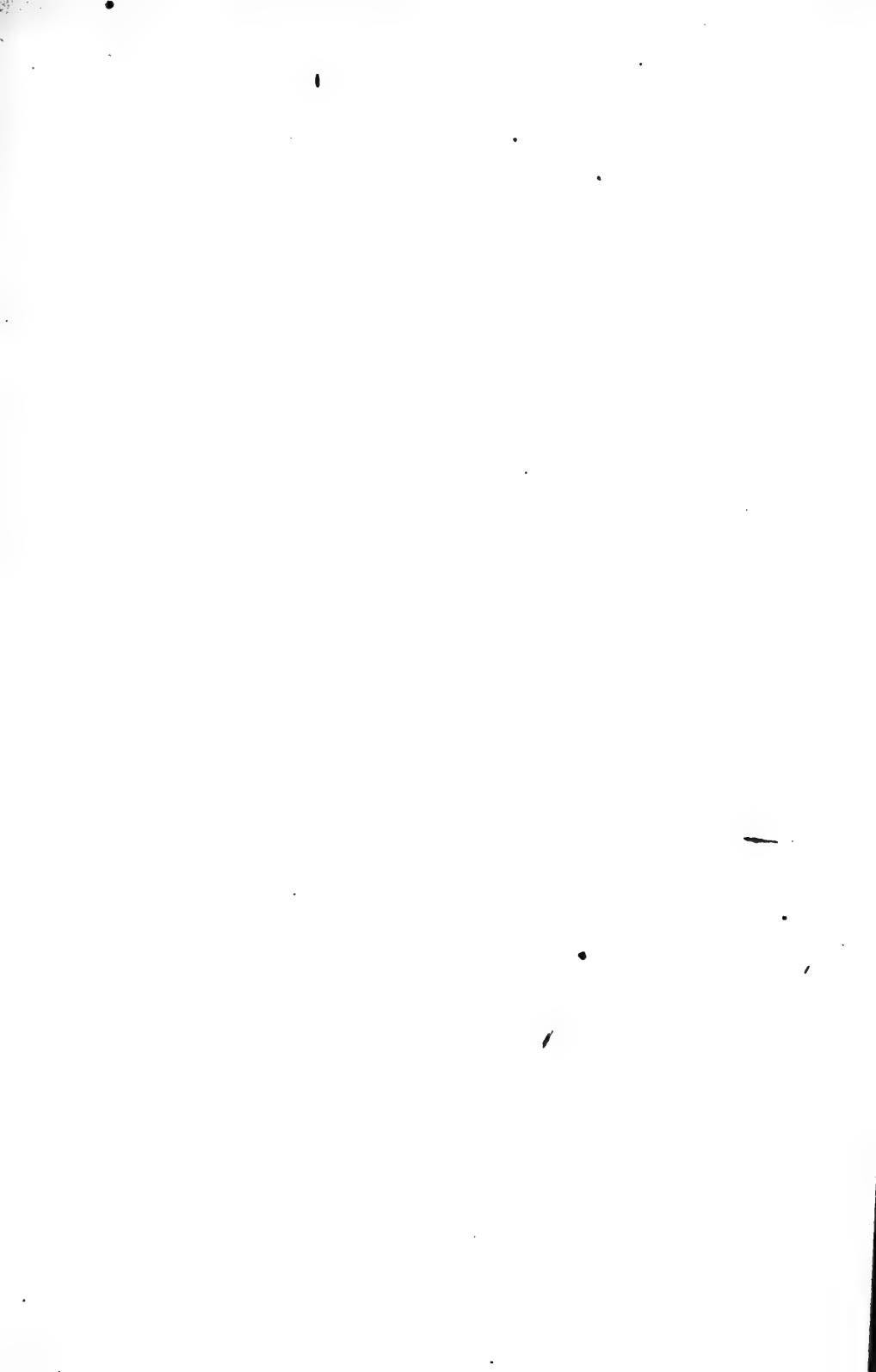
For an Act making appropriation to pay the expenses of transferring two hundred (200) convicts from the Illinois State Penitentiary at Joliet, to the Southern Illinois Penitentiary at Chester, on the 21st day of March, 1878.

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SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the sum of one thousand six hundred and thirty-nine dollars and ten cents (\$1,639.10) be and the same is hereby appropriated to pay the expenses of transferring two hundred convicts from the Illinois State Penitentiary to the Southern Illinois Penitentiary, by order of the Governor, on the 21st day of March 1878.

§ 2. That the Auditor of Public Accounts is hereby authorized and directed to draw his warrant payable to R. W. McClaughry, Warden, for the aforesaid sum, when he shall furnish vouchers for the payment of the same, approved by the Governor.

§ 3. WHEREAS, The aforesaid sum is due and owing, and has been since March 21, 1878, therefore, an emergency exists, and this act shall be in force from and after its passage.



1. Introduced by Mr. Ford February 28, 1879, and ordered to first reading.
2. First reading March 3, 1879, and referred to Committee on Counties and Township Organization.
3. Reported back with recommendation it be ordered to second reading March 25, 1879. So ordered.

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## A BILL

For an act to amend an act entitled "An Act in regard to roads and bridges in counties under township organization, approved May 26, 1877.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly,* That the act entitled An Act in regard to roads and bridges in counties under township organization, approved May 26, 1877, be amended by adding the following sections:

SECTION 1. That the legal voters, at their annual town meeting, shall have the right to determine by a majority vote whether the tax of forty cents on the hundred dollars mentioned in section eighty-one of said act shall be paid in money or in labor on or before the first day of August annually.

§ 2. There shall be chosen at the annual town meeting in each town as many overseers of highways as there are road districts in the town, and each overseer of highways so chosen shall be a resident of the road district for which he is elected, and shall hold his office for one year: *Provided*, there shall be chosen at the annual town meeting in April, 1880, one overseer of highways for each road district as constituted previous to the passage of an act entitled roads and bridges, approved April 10, 1872.

§ 3. It shall be the duty of overseers of highways in each town—first, to repair and keep in order the highways within their several districts for which they shall have been elected; second, to warn all persons from whom road labor is due to work on the highways at such times and places within their several districts as they may think

proper. The overseers of highways may contract with persons owing poll tax for road purposes to perform a certain amount of labor on any road or bridge in their town or road district for the amount of such tax, and if the work is done within the time that the money should have been paid, the overseer shall give such person a receipt for such labor done or performed; third, to collect all fines and commutation money and to execute all lawful orders of the commissioners of highways; fourth, to deliver to the clerk of the town, within sixteen days after their election or appointment, a list subscribed by such overseers of the names of all the inhabitants in his road district who are liable to work on highways.

§ 4. If any person chosen or appointed to the office of overseer of highways shall refuse to serve, or if his office shall become vacant, the commissioners of the highways of the town shall, by warrant under their hands, appoint some other person in his stead, and the overseer so appointed shall have the same powers, be subject to the same orders and liable to the same penalties as overseers chosen at the town meeting.

§ 5. The commissioners making the appointment shall cause such warrant to be forthwith filed in the office of the town clerk, who shall give notice to the person appointed, as in other cases.

§ 6. Every overseer of highways who shall refuse or neglect to perform any of the duties hereinbefore enumerated, or which may be lawfully enjoined on him by the commissioners of highways of his town, shall, for every such refusal or neglect, forfeit the sum of ten dollars (\$10), to be sued for by the commissioners of highways of the town, and, when recovered, to be applied by them in making and improving the roads and bridges therein.

§ 7. It shall be the duty of overseers of highways to give at least three days' notice to all persons assessed to work on highways, and residing within the limits of their respective districts, of the time and place, when and where they are to appear for that purpose, and with what implements; but no person, being a resident of the town, shall be required to work on any highway other than in the district in which he resides, except he resides in a district on a town line, which district belongs to an opposite town, and unless he shall elect to work in some district where he has any land, and in such case he may, with the approbation of the commissioners of highways, apply the work assessed in respect to such land in the district in which the same is situated.

§ 8. Every person liable to work on the highways shall work the whole number of 2 days for which he shall have been assessed; but every such person, other than an overseer of highways, may elect to commute for the same, or for any part thereof, at the 3 rate of \$1.50 per day, in which case such commutation money shall be paid to the overseer of highways of the district in which the person commuting shall reside, to be 4 applied and expended by such overseer in the improvement of the roads and bridges 5 in the same district.

§ 9. Any person intending to commute for his assessment, or any part thereof, 2 shall, within three days after he shall be notified to appear and work on the highways, pay the commutation money for the work required of him by such notice, 3 and the commutation shall not be considered as complete until such money be paid.

§ 10. Every overseer of highways shall have power to require a team or a cart, 2 wagon or plow, with a pair of horses or oxen, and a man to manage them, from any person having the same within his district, who shall have been assessed two days or 3 more and who shall not have commuted for his assessment, and the person furnishing the same upon such requisition shall be entitled to a credit of two days for each days 4 service therewith.

§ 11. Every person assessed to work on the highways, and named to work, may 2 appear in person or by an able-bodied man as a substitute, and the person or substitute shall actually work eight hours in each day, under a penalty of twenty-five 3 cents for every hour such person or substitute shall be in default, to be imposed as a fine on the person assessed.

§ 12. If any person after appearing remain idle, or not work faithfully, or hinder 2 others from working, such offender shall, for every offense forfeit to the town the sum of \$2.00.

§ 13. Every person so assessed and duly notified who shall not commute and who 2 shall refuse or neglect to appear as above provided, shall forfeit to the town for every day's refusal or neglect the sum of \$2.00, if he was required to furnish a team, carriage, 3 man or implement, and shall refuse or neglect to comply, he shall be fined as follows: First, for wholly failing to comply with such requisition, \$4.00 for each day; second, 4 for omitting to furnish a pair of horses or oxen, \$1.50 for each day; third, for omitting

7 to furnish a man to manage the team, \$2.00 for each day; fourth, for omitting to fur-  
 8 nish a wagon, cart or plow, 75 cents for each day.

§ 14. It shall be the duty of every overseer of highways, within six days after any  
 2 person assessed or notified shall be guilty of any refusal or neglect for which a penalty  
 3 or fine is prescribed in this act, unless a satisfactory excuse shall be rendered to him for  
 4 such refusal or neglect, to make complaint on oath to any justice of the peace of the  
 5 county.

§ 15. The justice to whom such complaint shall be made, shall forthwith issue a  
 2 summons directed to any constable of the county, requiring him to summon such de-  
 3 linquent to appear within five days before such justice, according to law, to answer for  
 4 such refusal or neglect.

§ 16. On the day of trial the justice shall proceed to hear and determine the case  
 2 according to law for the offense complained of, and shall forthwith issue an execution  
 3 under his hand and seal, directed to any constable of the county where such delinquent  
 4 shall reside, commanding him to levy such fine, with the costs of the proceeding, of  
 5 the goods and chattels of such delinquent.

§ 17. The constable to whom such execution shall be delivered, shall forthwith col-  
 2 lect the moneys therein mentioned; he shall pay the fine, when collected, to the justice  
 3 of the peace who issued the execution, who is hereby required to pay the same to the  
 4 overseer who entered the complaint, to be by him expended in improving the roads and  
 5 bridges in the district of which he is overseer.

§ 18. Every fine collected for refusal or neglect to appear and work on the highways  
 2 shall be set off against his assessments or personal labor tax, upon which it was found-  
 3 ed, estimating every \$2.00 collected as a satisfaction for one day's work.

§ 19. The acceptance by an overseer of any excuse for refusal or neglect, shall not  
 2 in any case exempt the person excused from commuting for or working the whole  
 3 number of days for which he shall have been liable during the year.

§ 20. It shall be the duty of overseers of highways to warn all residents of his dis-  
 2 trict, against whom a land or personal property read tax is assessed, giving them  
 3 three day's notice to work out the same upon the highways, and he shall receive such  
 4 tax in labor from every able-bodied man or his substitute at the rate of \$1.50 per day,

5 and any person, or his agent, may pay such tax in road labor at the rate of \$1.50 per  
6 day, and in proportion for a less amount, provided that any person may elect to pay  
7 such tax to the overseer in money.

§ 21. It shall be the duty of the overseer of highways when such land tax has been  
2 paid, either in money or labor, to write the word paid distinctly against each name or  
3 tract on his list, on which the same has been paid, and give a receipt for the same,  
4 whether paid in labor or money, when demanded.

§ 22. Every overseer of highways shall deliver to the supervisor of his town, and in  
2 Cook county to the county board, at least five days previous to the annual meeting of  
3 the board of supervisors, the lists furnished by the commissioners of highways, contain-  
4 ing the land and personal property road tax, with an affidavit thereto, sworn to before  
5 the supervisor of the town or some justice of the peace of the county, that, on all tracts  
6 of land on such list, opposite which the word paid is written, such tax is paid; and that,  
7 on all tracts of land on such list, opposite which the word paid is not written, such tax  
8 is due and remains unpaid, according to the best of his knowledge and belief.

§ 23. If any overseer shall refuse or neglect to deliver such list to the supervisor, as  
2 provided in the last preceding section, or shall neglect or refuse to make the affidavit  
3 as therein directed, he shall, for every such offense, forfeit the sum of \$5, and also the  
4 amount of tax or taxes remaining unpaid, to be recovered by the commissioners of  
5 highways of the town to be applied by them in improving the roads and bridges of such  
6 town.

§ 24. It shall be the duty of every overseer of highways, to have at least three-  
2 fourths of the road labor assessed in his district marked out as actually expended on the  
3 highways previous to the first day of October in every year.

§ 25. Every overseer of highways shall, on the second Tuesday next preceding the  
2 time of holding the annual town meeting in his town within the year for which he is  
3 elected or appointed, render under oath to one of the commissioners of highways of  
4 the town an account in writing, containing:

5 First—The names of all persons assessed to work on the highways for the district of  
6 which he is overseer.

7 Second—The names of all those who have actually worked on the highways, with  
8 the number of days they have actually worked.



9 Third—The names of all those who have been fined, and the sums in which they  
10 they have been fined.

11 Fourth—The names of all those who have commuted, and the manner in which the  
12 moneys arising from fines and commutations have been expended by him.

13 Fifth—The amount of uncollected road tax which he has returned to the supervis-  
14 ors of the town, as required in section 43 of this act.

26. Every such overseer shall also then and there render an account in writing of  
2 all moneys in his hands by virtue of his office, and shall also pay over the same to  
3 his successor in office.

§ 27. If any overseer shall refuse or neglect to render such account, or, if having ren-  
2 dered the same, he shall refuse neglect to pay any balance which may then be due from  
3 him, he shall, for every such offense, forfeit the sum of \$5, to be recovered with the  
4 balance of the moneys remaining in his hands by the commissioners of highways of  
5 the town, and to be applied in making and improving the roads and bridges, it shall  
6 be the duty of the commissioners to prosecute for such penalty in every instance in  
7 which no return is made.

§ 28. It shall be the duty of the supervisors of the several towns to receive the list  
2 of the overseers of highways, when delivered pursuant to sections 44 (45) of this act,  
3 and to lay the same before the board of supervisors of the county.

§ 29. The town clerk of each town shall, on or before the first day of September  
2 next, and annually thereafter, (if the boundary lines be changed) furnish to the clerk a  
3 certified plat of the several road districts of his town.

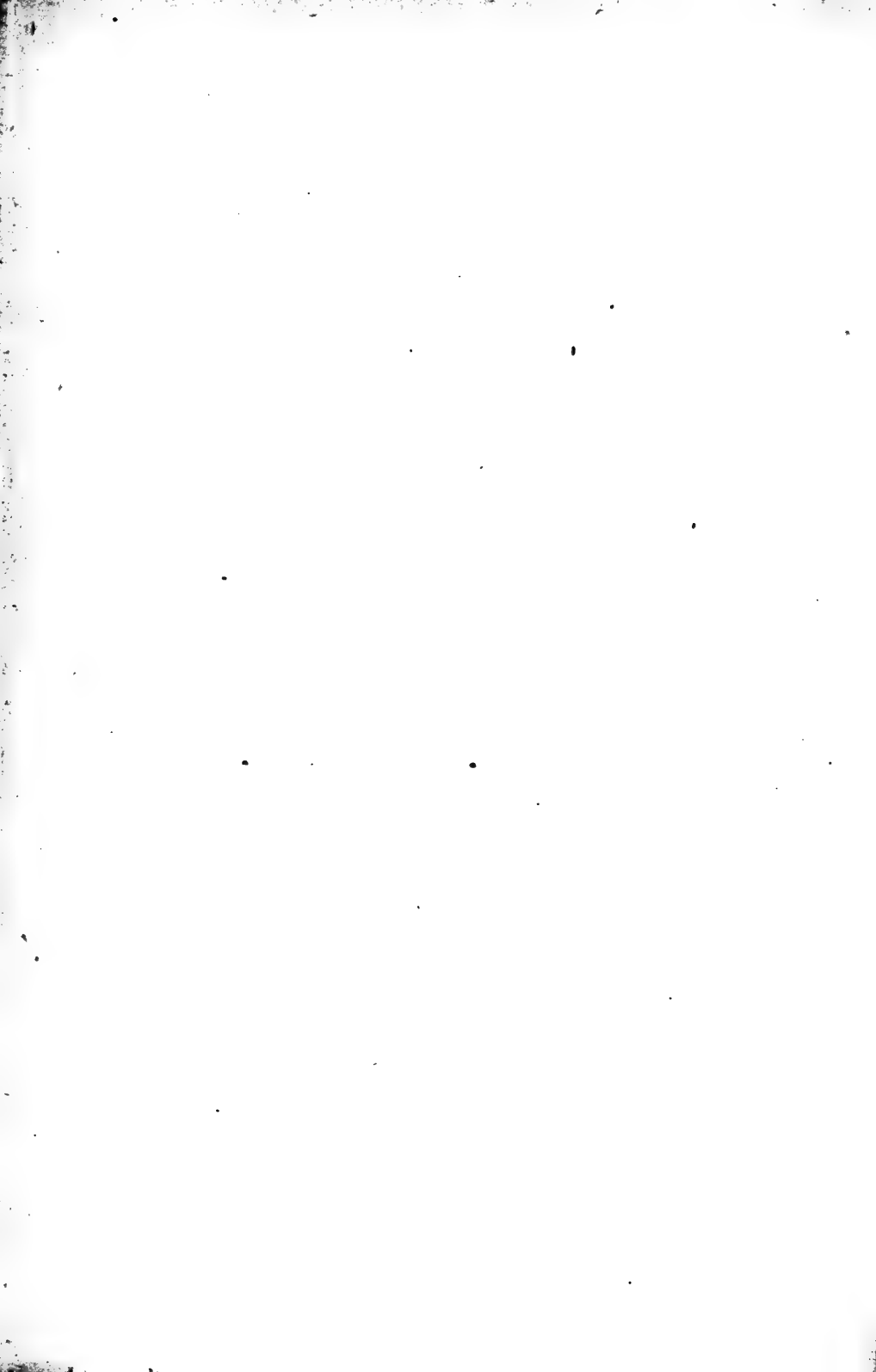
30. In all counties acting under township organization, the county clerk, in ex-  
2 tending district road tax upon the tax books, shall designate to what district said tax  
3 belongs.

§ 31. It shall be the duty of county and township collectors to make out an abstract  
2 of the amount of district road tax due to each district of the respective townships, and  
3 deliver the same to the treasurer of the commissioners of highways.

§ 32. The commissioners of highways shall pay over the district road tax according  
2 to the abstract as furnished above, to the various overseers of roads in their respective

3 districts, to be applied on the roads of said districts.

4 And that all laws or parts of laws in conflict with this act be and the same are hereby  
5 repealed.



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1. Introduced by Mr. Hunt February 23, 1879, and ordered to first reading.
  2. First reading February 28, 1879, and referred to Committee on Counties and Township Organization.
  3. March 25, reported back with recommendation it be ordered to second reading.  
So ordered.

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## A BILL

For an act to amend section forty of an act entitled "An Act entitled an act to revise the law in relation to counties," approved and in force March 31, 1874.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly,* That section 40 of said act entitled "An Act to revise the law in relation to counties," approved and in force March 31, 1874, be amended so as to read as follows, viz:

§ 40. When the county board of any county shall deem it necessary to issue county bonds to enable them to perform any duties imposed upon them by law they may by an order entered of record specifying the amount of bonds required and the object for which they are to be issued, submit to the legal voters of their county, at the next general election, the question of issuing such county bonds, and it shall be the duty of the county clerk in his election notice to give notice that the question of issuing such bonds will be submitted. The amount of the bonds so issued shall not exceed, including the then existing indebtedness of the county, five per centum on the value of the taxable property of such county, as ascertained by the last assessment for state and county taxes, previous to the issuing of such bonds. Said vote shall be by ballot, on which shall be written or printed "For county bonds," or "Against county bonds," and if a majority of the votes at such election shall be "For county bonds," such county board shall be authorized to issue such bonds in denominations of not less than \$25 nor greater than \$5000 each, payable respectively in not less than one year nor more than twenty years, with interest, payable annually or semi-annually, at the discretion of the county

board, at the rate of not more than eight per cent per annum. The county board may authorize such bonds to be sold from time to time at not less than their par value, and by a two-thirds vote of said board they may be sold at less than par. Where county bonds have been issued in pursuance of law prior to the adoption of the constitution of A. D. 1870, and such bonds shall be unpaid and matured, the county board of the county which issued such bonds shall have power, without submitting the question of issuing such bonds to the legal voters of such county, to issue other bonds to refund the same, together with unpaid interest, payable in such amounts at such times and rate of interest as hereinafter provided. The county board of such county shall, before or at the time of incurring any bonded indebtedness as aforesaid, provide for the collection of a direct annual tax sufficient to pay the interest on such debts, as it falls due, and also to pay and discharge the principal thereof within twenty years from the time of issuing the same. Said bonds shall be signed by the chairman of said board and the clerk of the county court of said county and shall be sealed with the seal of said county court and countersigned and registered by the treasurer of said county, and interest coupons may be attached thereto signed by the treasurer of said county only. It is further provided that in all cases where the electors of any county have heretofore authorized the county board of any county to issue bonds and the same have not been issued prior to the time this act takes effect such bonds may be issued in conformity with the provisions of this section.

1. Introduced by Mr. Hunt February 28, 1879, and ordered to first reading.
2. First reading February 28, 1879, and referred to Committee on Counties and Township Organization.
3. March 25, reported back with recommendation it be ordered to second reading. So ordered.
4. May 5, second reading, amended and ordered to third reading.

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### A BILL

For an act to amend section forty of an act entitled "An Act to revise the law in relation to Counties," approved and in force March 31, 1874.

---

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General*

2 *Assembly,* That section forty (40) of said act entitled "An act to revise the law in relation  
3 to counties," approved and in force March 31, 1874, be amended so as to read as follows,  
4 viz:

§ 40. When the county board of any county shall deem it necessary to issue county  
2 bonds to enable them to perform any duties imposed upon them by law, they may, by an  
3 order entered of record specifying the amount of bonds required and the object for which  
4 they are to be issued, submit to the legal voters of their county, at the next general elec-  
5 tion, the question of issuing such county bonds, and it shall be the duty of the county  
6 clerk, in his election notice, to give notice that the question of issuing such bonds will be  
7 submitted. The amount of the bonds so issued shall not exceed, including the then ex-  
8 isting indebtedness of the county, five per centum on the value of the taxable property  
9 of such county, as ascertained by the last assessment for State and county taxes, previous  
10 to the issuing of such bonds. Said vote shall be by ballot, on which shall be written or  
11 printed "For county bonds," or "Against county bonds," and if a majority of the votes  
12 at such election shall be "For county bonds," such county board shall be authorized to is-  
13 sue such bonds in denominations of not less than \$25 nor greater than \$5,000 each, paya-  
14 ble respectively in not less than one year nor more than twenty years, with interest, paya-  
15 ble annually or semi-annually, at the discretion of the county board, at the rate of not

16 more than eight per cent. per annum. The county board may authorise such bonds to be  
17 sold from time to time at not less than their par value, and by a two-thirds vote of said  
18 board they may be sold at less than par. Where county bonds have been issued in pursu-  
19 ance of law, prior to the adoption of the constitution of A. D. 1870, and such bonds  
20 shall be unpaid and matured, the county board of the county which issued such bonds  
21 shall have power, without submitting the question of issuing such bonds to the legal  
22 voters of such county, to issue other bonds to refund the same, together with unpaid in-  
23 terests, payable in such amounts and at such times and rate of interest as hereinbefore  
24 provided. The county board of such county shall, before or at the time of incurring any  
25 bonded indebtedness as aforesaid, provide for the collection of a direct annual tax suffi-  
26 cient to pay the interest on such debts, as it falls due, and also to pay and discharge the  
27 principal thereof within twenty years from the time of issuing the same. Said bonds  
28 shall be signed by the chairman of said board and the clerk of the county court of said  
29 county, and shall be sealed with the seal of said county court, and countersigned and reg-  
30 istered by the treasurer of said county, and interest coupons may be attached thereto, sign-  
31 ed by the treasurer of said county only. It is further provided that in all cases where the  
32 electors of any county have heretofore authorized the county board of any county to is-  
33 sue bonds, and the same have not been issued prior to the time this act takes effect, such  
34 bonds may be issued in conformity with the provisions of this section.

## Substitute for No. 239.

1. Introduced by Mr. Hunt, from Judiciary Committee, February 28, 1879, and ordered to first reading.
2. First reading February 28, 1879, and ordered to second reading.

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**A BILL**

for an act to aid Industrial Schools for Girls.

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SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That any seven or more persons residents of this State, a majority of whom are women, who may organize or have organized under the general laws of the State relating to corporations, for the purpose of establishing, maintaining and carrying on an industrial school for girls, shall have under the corporate names assumed, all the powers, rights and privileges of corporations of this State not for pecuniary profit, and shall be and hereby are exempted from all State and local taxes; *Provided, however,* that any person organized, or who may hereafter organize as above set forth desiring to avail themselves of the provisions of this act, shall first obtain the consent of the Governor thereof in writing, which consent must be filed in the office of the Secretary of State.

§ 2. The object of industrial schools for girls shall be to provide a home and proper training school for such girls as may be committed to their charge; and they shall be maintained by voluntary contributions, excepting as hereinafter provided.

§ 3. Any responsible person who has been a resident of any county in this State, one year next preceding the time at which the petition is presented may petition the County Court of said county to inquire into the alleged dependency of any female infant there within the county and every female infant, who comes within the following descriptions shall be considered a dependent girl, viz

Every female infant who begs or receives alms while actually selling, or pretending



7 to sell any article in public; or, who frequents any street, alley or other place, for the  
 8 purpose of begging or receiving alms; or, who having no permanent place of abode,  
 9 proper parentel care, or guardianship, or sufficient means of subsistence, or who for  
 10 other cause is a wanderer through streets and alleys, and in other public places; or,  
 11 who belongs to the class of children commonly known as rag pickers; or, who lives  
 12 with, or frequents the company of or consorts with reputed thieves, or other vicious  
 13 persons; or, who is found in a house of ill-fame, or in a poor house. Such petition  
 14 shall be verified by oath and upon being filed the Judge of said Court shall have the  
 15 female infant named in the petition, brought before him for the purpose of determining  
 16 the application in said petition contained, and for the hearing of such petitions the  
 17 county court shall be considered always open.

§ 4. Upon the finding of such petition, the clerk of the court shall issue a writ to  
 2 the sheriff of the county, directing him to bring such infant before the court, and it  
 3 shall be the duty of the court to order a jury to be summoned, to ascertain whether  
 4 such infant is a dependant, as alleged in such petition, and if found to be such,  
 5 they shall also find her age in their verdict, and when such infant shall be without  
 6 counsel, it shall be the duty of the court to assign counsel for her, and if the jury finds  
 7 that the infant named in the petition is a dependant girl, and if in the opinion of the  
 8 judge she is a fit person to be sent to an Industrial School for girls, the judge shall en-  
 9 ter an order that such infant be committed to an Industrial School for girls, in the  
 10 county, if there be such school in the county; but if there be no such school in the  
 11 county, then to any Industrial School for girls, elsewhere in the State, to be in such  
 12 school kept and maintained until she arrives at the age of eighteen years, unless sooner  
 13 discharged therefrom in the manner hereinafter provided.

§ 5. A warrant shall thereupon be issued in duplicate by the clerk to some suitable  
 2 woman a resident of the county, to be designated by the judge, authorizing her to  
 3 take into her charge and care, the dependent girl named in said order of the court, and  
 4 convey her to the Industrial School for girls to which she is to be committed, and said  
 5 warrant shall be substantially as follows :

6 STATE OF ILLINOIS, }  
 7 \_\_\_\_\_ COUNTY. } SS:

You are hereby authori

8 The People of the State of Illinois to  
 9 ized to take forthwith into your charge and care \_\_\_\_\_, aged  
 10 \_\_\_\_\_ years, who has been declared a dependent girl, and convey her  
 11 to the \_\_\_\_\_ (as the case may be) Industrial School for girls, and of  
 12 this warrant you are commanded to make due return to this court after its execution.

13 Witness my hand and the seal of the county court of \_\_\_\_\_ county this  
 14 \_\_\_\_\_ day of \_\_\_\_\_ A. D.

15 [SEAL OF COURT] \_\_\_\_\_,  
 16 \_\_\_\_\_ Clerk of the County Court of \_\_\_\_\_ county.

17 This warrant, with a receipt therein, shall be returned to the clerk to be filed by him  
 18 with the other papers relating to the case, and this warrant shall be a sufficient and  
 19 competent authority for the proper officers and agents of the Industrial School for girls,  
 20 to which it is directed to receive, keep and detain the person therein named, and a du-  
 21 plicate copy thereof shall be delivered to the matron or other proper officer of such  
 22 school to be kept at the school by such matron or other proper officer, which duplicate  
 23 shall have thereon a full copy of all indorsements made upon the one returned to court,  
 24 and be recorded by her in a book kept for that purpose, and said book shall always be  
 25 open to the inspection of any person.

§ 6. Upon receiving the dependent girl the matron of the school shall indorse upon  
 2 the warrant referred to in the preceding section a receipt as follows:

3 [as the case may be] Industrial School for Girls.  
 4 Received this \_\_\_\_\_ day of \_\_\_\_\_ A. D., the  
 5 girl named in this warrant.

6 [Seal of School]

7 \_\_\_\_\_ Matron.

§ 7. If the jury finds that such infant is not a dependent, the costs of the proceed-  
 2 ings, including the fees of the jury, shall be paid by the petitioner, and judgment shall  
 3 be awarded against said petitioner therefor; but if said infant is found to be a depend-  
 4 ent, such costs shall be paid out of the county treasury: *Provided*, that if said depend-  
 5 ent have a parent or guardian, such costs, together with the expense of conveying said

6 dependent to the school to which she may be committed, shall be paid by said parent  
 7 or guardian, and judgment therefor may be rendered against said parent or the estate  
 8 of the ward of such guardian; but if after execution has issued it shall be returned  
 9 unsatisfied, the costs aforesaid shall be paid out of the county treasury. The fees for  
 10 conveying a dependent girl to an industrial school for girls, shall be the same as for  
 11 conveying a juvenile offender to the Reform School for juvenile offenders, at Pontiac,  
 12 in this State, and they shall be paid in the same way unless they are paid by the parent  
 13 or guardian in the manner above provided.

§ 8. It shall be the duty of the county judge to see that every dependent girl com-  
 2 mitted by him to an industrial school for girls, shall, at the time she is conveyed to the  
 3 school, be furnished with three chemises, three pairs of woolen stockings, one pair of  
 4 shoes, two woolen petticoats or skirts, three good dresses, a cloak or shawl, and a suit-  
 5 able bonnet. The expense of said clothing shall be paid out of the county treasury  
 6 upon the certificate of the county judge. But if the dependent girl have a parent or  
 7 guardian, the court shall render judgment against him for the amount to be paid the  
 8 county for such clothing, together with cost of collection; and if such expenses and  
 9 cost of collection are recovered the money shall be paid into the county treasury. For  
 10 the tuition, maintenance and care of dependent girls, the county from which they are  
 11 sent shall pay to the industrial school for girls to which they may be committed, as  
 12 follows:

13 For each dependent girl under the age of ten years,                      dollars per month.

14 For each dependent girl ten years and under fourteen years of age,                      dollars  
 15 per month.

16 For each dependent girl fourteen and under eighteen years of age,                      dollars  
 17 per month. And upon the proper officer rendering proper accounts therefor, quarterly,  
 18 the county board shall allow and order the same paid out of the county treasury: *Pro-*  
 19 *vided*, that no charge shall be made against any county by any industrial school for  
 20 girls on account of any dependent girl in the care thereof who has been by said school  
 21 put out to a trade or employment in the manner hereinafter provided.

§ 9. Any parent having a refractory infant daughter, or any guardian having a  
 2 refractory female ward, or any other person having legal charge of a refractory female  
 3 infant, may surrender the custody of said daughter, ward or other female infant as

4 aforesaid, with consent of the county judge of the county in which such parent, guar-  
 5 dian or other person resides, given in writing and made of record in the county court,  
 6 to any industrial school for girls in this State, upon such terms, and for such length of  
 7 time as may be agreed upon, with the consent of said county judge, between the said  
 8 parent, guardian or other person as aforesaid and the officers of the school: *Provided,*  
 9 no such judgment shall authorize any industrial school for girls to retain the custody  
 10 of any girl put into its charge under the provisions of this section after she shall have  
 11 obtained her majority.

§ 10. When any girl, between the ages of ten and fourteen years, is convicted, be-  
 2 fore any court of competent jurisdiction, of any crime which if committed by an adult  
 3 would be punishable by imprisonment in the county jail or penitentiary, such infant  
 4 offender may be, at the discretion of the court, committed by the order of such court,  
 5 to any industrial school for girls in this State for any term not less than three years,  
 6 nor for a term that would run beyond the majority of such infant offender. And when  
 7 such infant offender shall be committed to any industrial school for girls in this State,  
 8 the expenses of conveying such infant to the school to which she may be committed,  
 9 and the expense of maintaining her therein shall be paid in the same manner as if she  
 10 had been committed and conveyed to the penitentiary; and the expense of maintaining  
 11 such infant offender in any industrial school for girls may be paid out of any moneys  
 12 in the treasury not otherwise appropriated, upon the warrant of the Auditor of Public  
 13 Accounts; but the Auditor shall not draw his warrant for such expense except upon  
 14 the order of the board of trustees of the industrial school for girls, to which such  
 15 female infant offender has been committed, signed by the president, and attested by the  
 16 secretary, with the corporate seal of the institution, accompanied by the certificate of  
 17 the Commissioners of Public Charities, approved by the Governor, certifying to the  
 18 accuracy of such expense.

§ 11. The officers and trustees of any industrial school for girls in this State shall  
 2 receive into such school all girls committed thereto under the provisions of this act,  
 3 and shall have the exclusive custody, care and guardianship of such girls. They shall  
 4 provide for their support and comfort; instruct them in such branches of useful knowl-  
 5 edge as may be suited to their years and capacities, and shall cause them to be taught in  
 6 domestic avocations, such as sewing knitting, and housekeeping in all its departments.

7 And for the purpose of their education and training, and that they may assist in their  
8 own support, they shall be required to pursue such tasks suitable to their years and  
9 sex, as may be prescribed by such officers and trustees.

§ 12. Any girl committed under the provisions of this act to an industrial school for  
2 girls, may by the officers and trustees of said school be placed in the home of any good  
3 citizen upon such terms and for such purpose and time as may be agreed upon, or she  
4 may be given to any suitable person of good character who will adopt her, or she may  
5 be bound to any reputable citizen as an apprentice to learn any trade, or as a servant to  
6 follow any employment which, in the judgment of said officers and trustees, will be for  
7 her advantage; and all and singular of the provisions of the act entitled "An Act to  
8 revise the law in relation to apprentices," approved February 25, 1874; in force July  
9 1, 1874, in so far as they are applicable, shall apply to and be binding upon such offi-  
10 cers and trustees, upon such girl and upon the person to whom such girl is bound:  
11 *Provided*, that any disposition made of any girl under this section shall not bind her  
12 beyond her minority; *And, provided, further*, that such officers and trustees shall have  
13 a supervising care over such girl to see that she is properly treated and cared for.  
14 And in case such girl is cruelly treated, or is neglected, or the terms upon which she  
15 was committed to the care and protection of any person are not observed, or in case  
16 such care and protection shall for any reason cease, then it shall be the duty of such  
17 officers and trustees to take and receive such girl again into the custody, care and pro-  
18 tection of said industrial school.

§ 13. No imbecile, or idiotic girl, or one incapacitated for labor, or deformed, nor  
2 any girl having any infectious, contagious, or incurable disease, shall be committed or  
3 received into any industrial school for girls in this State.

§ 14. Any girl committed to an industrial school for girls, under the provisions of  
2 this act, may be discharged therefrom at any time, in accordance with the rules there-  
3 of, when in the judgment of the officers and trustees, the good of the girl or the good  
4 of the school, would be promoted by such discharge, and the Governor may at any  
5 time order the discharge of any girl committed to an industrial school under the pro-  
6 visions of this act.

§ 15. Any industrial school for girls in this State, may form auxiliary schools and  
2 may appoint, fix the salaries or amount of compensation of, establish the term of their

3 services, and prescribe the duties of such officers, teachers, agents and committees as  
4 may be deemed necessary for the management of such schools, and the trustees of any  
5 industrial schools for girls, in this State, may require all officers, teachers and agents of  
6 such school and of its auxiliary schools to give bonds with approved security for the  
7 faithful performance of their duties, such bonds to be given to secure trustees and pay-  
8 able to them or their successors.

§ 16. All industrial schools for girls in this State shall be subject to the same visita-  
2 tion, inspection and supervision of the Board of State Commissioners of Public Char-  
3 ties, as the charitable and penal institutions of the State, and avoiding as far as prac-  
4 ticable, sectarianism, suitable provisions shall be made for the moral and religious in-  
5 struction of the inmates of all industrial schools for girls in this State.



1. Introduced by Mr. Joslyn, March 3, 1879, and ordered to first reading.
  2. First reading March 8, 1879, and ordered to second reading.
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## A BILL

For an act to amend section forty-nine (49) of an act entitled "An Act to revise the law in relation to Circuit Courts and the Superior Court of Cook County," approved February 4, 1874; in force July 1, 1874.

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### POWER OF JUDGES IN VACATION.

SECTION 49. The several judges of said courts shall have power, in vacation, to  
2 hear and determine motions, to dissolve injunctions, stay or quash executions, appoint  
3 receivers, to make all necessary orders to carry into effect any decree previously entered,  
4 including the issuance of necessary writs therefor, to order the issuance of writs of  
5 certiorari, to permit amendments in any process, pleading or proceeding in law or in  
6 equity. Any order so made shall be signed by the judge making it and filed and  
7 entered of record by the clerk of the court in which the proceeding is had, and from  
8 the date of such filing shall have like force and effect as if made at a regular term of  
9 such court. The pendency of a term of court in another county than that in which the  
10 suit is pending or about to be commenced by the same judge, shall not prevent the  
11 granting of such order.





1. Introduced by Mr. Joslyn March 3, and ordered to first reading.
2. First reading March 3, and ordered to second reading.
3. Second reading March 23, and ordered to third reading.

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## A BILL

For an act to amend section forty-nine (49) of an act entitled "An act to revise the law in relation to Circuit Courts, and the Superior Court of Cook county," approved February 4, 1874; in force July 1, 1874.

---

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly, That section forty-nine (49) of an act entitled "An act to revise the law in relation to Circuit Courts, and the Superior Court of Cook county," approved February 4, 1874; in force July 1, 1874, be and the same is hereby amended to read as follows:*

SECTION 49. [POWER OF JUDGES IN VACATION]. The several judges of said courts shall have power, in vacation, to hear and determine motions, to dissolve injunctions, stay or quash executions, appoint receivers, to make all necessary orders to carry into effect any decree previously entered, including the issuance of necessary writs therefor, to order the issuance of writs of *certiorari*, to permit amendments in any process, pleading or proceeding in law or in equity. Any order so made shall be signed by the judge making it, and filed and entered of record by the clerk of the court in which the proceeding is had, and from the date of such filing shall have like force and effect as if made at a regular term of such court. The pendency of a term of court in another county than that in which the suit is pending or about to be commenced by the same judge, shall not prevent the granting of such order.



- 
1. Introduced by Mr. Hunt, March 3, 1879, and ordered to first reading.
  2. First reading March 3, 1879, and referred to Committee on Judiciary.
  3. Reported back with amendments, passage recommended, and ordered to second reading March 6, 1879.
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Amendment to Senate Bill No. 361, reported from Committee on Judiciary March 6, 1879.

Amend by inserting after the word "years," in line 23, section 1, written bill, the  
2 words "and shall be payable after five years, at the option of the board of directors."

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## A BILL

For an act to provide for funding the bonded indebtedness of school districts.

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SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the Central*  
2 *Assembly, That for the purpose of funding any bonded indebtedness heretofore cre-*  
3 *ated by the authorities of any school district in this State, by virtue of any law in force*  
4 *at the time of issuing such bonds, authorizing the issue thereof, the school directors of*  
5 *such district, or a majority of them, may, by an order entered in their official record,*  
6 *specifying the aggregate amount, denominations, number of each denomination, rate*  
7 *of interest, whether the interest is payable annually or semi-annually, and the length*  
8 *of time that said bonds shall run, issue bonds for the amount of such indebtedness out-*  
9 *standing, such bonds to be executed by the president and clerk of the board, or any*  
10 *two members of such board. Such bonds may be issued in denominations of not less*  
11 *than fifty dollars, nor more than one thousand dollars; they shall bear interest at a rate*

12 not exceeding seven per cent. per annum, payable annually or semi-annually, as may  
 13 be specified in the order of the directors. Said bonds shall not run for a period longer  
 14 than twenty years, nor shall the aggregate amount of the bonded indebtedness of any  
 15 district, including bonds issued under the provisions of this act, exceed five per cent.  
 16 of the value of the taxable property of such district, to be ascertained by the last  
 17 assessment for State and county taxes previous to issuing the bonds herein provided  
 18 for.

§ 2. No bonds issued by virtue of the provisions of this act shall be sold by the  
 2 directors at less than their par value, and before any of such bonds shall be negotiated  
 3 and sold by any board of school directors, they shall be registered, numbered and  
 4 countersigned by the school treasurer of the township wherein the school house of said  
 5 district is located. Such registry shall be made in the "Bond Register" book kept by  
 6 the treasurer, and in this register shall first be entered a copy of the order of the  
 7 directors authorizing the issue of such bonds, and a description of the bonds issued by  
 8 virtue of such order, including the denominations, rate of interest, to whom issued and  
 9 when due.

§ 3. The directors of such district shall provide, by the levy of a direct annual tax,  
 2 for the payment of the interest on such bonds as it falls due, and, also, to pay the prin-  
 3 cipal thereof within twenty years from the time of issuing the same. Said taxes shall  
 4 be paid to the treasurer of the township, as other school taxes are paid; and such  
 5 treasurer shall hold such funds and pay them out to the parties entitled thereto; and  
 6 when any such bonds are paid, the treasurer shall cancel the same, and shall enter in  
 7 the bond register, against the record of such bond, the words, "Paid and cancelled  
 8 this                      day of                      , 18                      ," filling the blanks with the day, month  
 9 and year corresponding with the date of such payment.

§ 4. The treasurer and directors may exchange bonds issued under the provisions  
 2 of this act, at not less than their par value, for outstanding bonds of such district; and  
 3 when any bonds issued under the provisions of this act are negotiated and sold, the  
 4 funds arising from such sale shall be paid out by the treasurer in purchasing outstand-  
 5 ing bonds, and for no other purpose whatever.

1. Introduced by Mr. Hunt, March 3, 1879, and ordered to a first reading.
2. First reading March 3, 1879, and referred to Committee on Judiciary.
3. Reported back with amendments, passage recommended, and ordered to a second reading March 6, 1879.
4. Second reading April 3, amended, and ordered to a third reading.

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## A BILL

For an act to provide for funding the bonded indebtedness of school districts and boards of education.

---

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That for the purpose of funding any bonded indebtedness created by the authorities of any school district or board of education in this State, by virtue of any law in force at the time of issuing such bonds, authorizing the issue thereof, the school directors of such district and board of education, or a majority of them, may, by an order entered in their official record, specifying the aggregate amount, denominations, number of each denomination, rate of interest, whether the interest is payable annually or semi-annually, and the length of time that said bonds shall run, issue bonds for the amount of such indebtedness outstanding, such bonds to be executed by the president and clerk of the board, or any two members of such board of directors, or the officers of the board of education. Such bonds may be issued in denominations of not less than fifty dollars, nor more than one thousand dollars; they shall bear interest at a rate not exceeding seven per cent. per annum, payable annually or semi-annually, as may be specified in the order of the directors or board of education. Said bonds shall not run for a period longer than twenty years, and shall be payable after five years, at the option of the board of directors; nor shall the aggregate amount of the bonded indebtedness of any district, including bonds issued under the provisions of this act, exceed five per cent. of the value of the taxable property of such district, to be ascer-*

19 tained by the last assessment for State and county taxes previous to issuing the bonds  
20 herein provided for.

§ 2. No bonds issued by virtue of the provisions of this act shall be sold by the  
2 directors at less than their par value, and before any of such bonds shall be negotiated,  
3 and sold by any board of school directors, they shall be registered, numbered and  
4 countersigned by the school treasurer of the township wherein the school house of said  
5 district is located. Such registry shall be made in the "Bond Register" book kept by  
6 the treasurer, and in this register shall first be entered a copy of the order of the  
7 directors authorizing the issue of such bonds, and a description of the bonds issued by  
8 virtue of such order, including the denominations, rate of interest, to whom issued and  
9 when due: that when such bonds are issued by any board of education, the bonds may  
10 be issued in accordance with the terms and provisions of the original act providing for  
11 the issue of such bonds by said board of education, but the rate of interest shall not  
12 exceed the rate herein provided for, and shall otherwise be subject to the provisions of  
13 this act.

§ 3. The directors of such district or board of education shall provide, by the levy  
2 of a direct annual tax, for the payment of the interest on such bonds as it falls due,  
3 and also to pay the principal thereof within twenty years from the time of issuing the  
4 same. Said taxes shall be paid to the treasurer of the township or treasurer of the said  
5 board of education, as other school taxes are paid; and such treasurer shall hold such  
6 funds and pay them out to the parties entitled thereto; and when any such bonds are  
7 paid, the treasurer shall cancel the same, and shall enter in the bond register, against  
8 the record of such bond, the words, "Paid and cancelled this                      day of  
9                      , 18    ," filling the blanks with the day, month and year corre-  
10 sponding with the date of such payment.

§ 4. The treasurer and directors or board of education may exchange bonds issued  
2 under the provisions of this act, at not less than their par value, for outstanding bonds  
3 of such district; and when any bonds issued under the provisions of this act are nego-  
4 tiated and sold, the funds arising from such sale shall be paid out by the treasurer in  
5 purchasing outstanding bonds, and for no other purpose whatever.

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(In House.)

1. Reported to House, April 26, 1879.
2. First reading April 28, 1879, and referred to Committee on Education.
3. Reported back, passage recommended, and ordered to second reading, April 30, 1879.

---

## A BILL

For an act to provide for funding the bonded indebtedness of school districts and boards of education.

---

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly,* That for the purpose of funding any bonded indebtedness created by the authorities of any school district or board of education in this State, by virtue of any law in force at the time of issuing such bonds, authorizing the issue thereof, the school directors of such district and board of education, or a majority of them, may, by an order entered in their official record, specifying the aggregate amount, denominations, number of each denomination, rate of interest, whether the interest is payable annually or semi-annually, and the length of time that said bonds shall run, issue bonds for the amount of such indebtedness outstanding, such bonds to be executed by the president and clerk of the board, or any two members of such board of directors, or the officers of the board of education. Such bonds may be issued in denominations of not less than fifty dollars, nor more than one thousand dollars; they shall bear interest at a rate not exceeding seven per cent. per annum, payable annually or semi-annually, as may be specified in the order of the directors or board of education. Said bonds shall not run for a period longer than twenty years, and shall be payable after five years, at the option of the board of directors; nor shall the aggregate amount of the bonded indebtedness of any district, including bonds issued under the provisions of this act,



18 exceed five per cent. of the value of the taxable property of such district, to be ascer-  
 19 tained by the last assessment for State and county taxes previous to issuing the bonds  
 20 herein provided for.

§ 2. No bonds issued by virtue of the provisions of this act shall be sold by the  
 2 directors at less than their par value, and before any of such bonds shall be negotiated,  
 3 and sold by any board of school directors, they shall be registered, numbered and  
 4 countersigned by the school treasurer of the township wherein the school house of said  
 5 district is located. Such registry shall be made in the "Bond Register" book kept by  
 6 the treasurer, and in this register shall first be entered a copy of the order of the direc-  
 7 tors authorizing the issue of such bonds, and a description of the bonds issued by vir-  
 8 tue of such order, including the denominations, rate of interest, to whom issued and  
 9 when due; that when such bonds are issued by any board of education, the bonds may  
 10 be issued in accordance with the terms and provisions of the original act providing for  
 11 the issue of such bonds by said board of education, but the rate of interest shall not  
 12 exceed the rate herein provided for, and shall otherwise be subject to the provisions of  
 13 this act.

§ 3. The directors of such district or board of education shall provide, by the levy  
 2 of a direct annual tax, for the payment of the interest on such bonds as it falls due,  
 3 and also to pay the principal thereof within twenty years from the time of issuing the  
 4 same. Said taxes shall be paid to the treasurer of the township or treasurer of the said  
 5 board of education, as other school taxes are paid; and such treasurer shall hold such  
 6 funds and pay them out to the parties entitled thereto; and when any such bonds are  
 7 paid, the treasurer shall cancel the same, and shall enter in the bond register, against  
 8 the record of such bond, the words "Paid and cancelled this                      day  
 9 of                      , 18    ." filling the blanks with the day, month and year corresponding  
 10 with the date of such payment.

§ 4. The treasurer and directors or board of education may exchange bonds issued  
 2 under the provisions of this act, at not less than their par value, for outstanding bonds  
 3 of such district; and when any bonds issued under the provisions of this act are nego-  
 4 tiated and sold, the funds arising from such sale shall be paid out by the treasurer in  
 5 purchasing outstanding bonds, and for no other purpose whatever.

1. Introduced by Mr. Riddle, March 3, 1879, and ordered to first reading.
2. First reading March 3, 1879, and referred to the Committee on Judiciary.
3. March 5, reported back with recommendation that it do not pass. Laid on the table, and the same day, on motion of Mr. Riddle, taken from table and ordered to second reading.

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## A BILL

For an act to prohibit the officers of free schools or of any school supported in whole or in part at public expense, and the teachers therein from being interested in the sale of school books and school apparatus, and to provide penalties therefor.

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SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General*

2 *Assembly, If any State, county, township or district school officer, or other officer con-*  
3 *nected with the free schools of this State, or any school supported in whole or in part*  
4 *at the public expense, or any principal, instructor or teacher in any of such schools,*  
5 *shall receive, directly or indirectly, or directly or indirectly agree to receive or be paid,*  
6 *for his or her own benefit, or another's benefit, from any person or source whatsoever,*  
7 *any money, bonus, article or consideration, as an inducement for the recommendation*  
8 *or introduction of any school or text books, school furniture or apparatus, into any of*  
9 *such schools, shall be deemed guilty of a misdemeanor, and on conviction thereof be-*  
10 *fore any court of competent jurisdiction, shall be fined in a sum not less than five hun-*  
11 *dred dollars, and not more than two thousand dollars, or shall be imprisoned in the*  
12 *county jail not less than six months and not more than two years, or by both such fine*  
13 *and imprisonment.*

§ 2. It shall not be lawful for any State, county, township or district school officer,  
2 or other officer connected with the free schools of this State, or of any school supported  
3 in whole or in part by the public expense, or any principal, instructor or teacher in any

4 of such schools to act as agent for the sale or introduction of, or be interested in the  
5 sale, proceeds or profits of any school or text book, school furniture or apparatus, used  
6 in any of the said schools. Any person violating the provisions of this section shall be  
7 fined, on conviction thereof, in any sum not less than two hundred dollars and not  
8 more than one thousand dollars, or shall be confined in the county jail not less than  
9 three months and not more than one year, or by both such fine and imprisonment.

*Provided,* Nothing in this section shall apply to a person who is the author of or  
2 owner of the copy-right of the book or article used or sought to be introduced.

§ 3. A conviction under this act of any officer herein named shall work a forfeiture  
2 of office, and a revocation of the teacher's certificate of any teacher or principal so con-  
3 victed. All fines collected under this act shall be paid over to the school fund of the  
4 county where such conviction is had.

1. Introduced by Mr. Riddle, March 2, 1879, and ordered to first reading.
2. First reading March 2, and referred to the Committee on Judiciary.
3. March 5, reported back with recommendation that it do not pass. Laid on the table, and on the same day, on motion of Mr. Riddle, taken from table and ordered to second reading.
4. April 19, second reading and ordered to third reading.
5. May 6, failed to pass.
7. May 7, reconsidered, recommitted to Committee on Judiciary, same day reported back with amendments, and ordered to third reading.

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### A BILL

For an act to prohibit the officers of free schools or of any school supported in whole or in part at public expense, and the teachers therein from being interested in the sale of school books and school apparatus, and to provide penalties therefor.

---

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, If any State, county, township or district school officer, or other officer connected with the free schools of this State, or any school supported in whole or in part at the public expense, or any principal, instructor or teacher in any of such schools, shall receive, directly or indirectly, or directly or indirectly agree to receive or be paid, for his or her own benefit, or another's benefit, from any person or source whatsoever, any money, bonus, article or consideration, as an inducement for the recommendation or introduction of any school or text books, school furniture or apparatus, into any of such schools, shall be deemed guilty of a misdemeanor, and, on conviction thereof before any court of competent jurisdiction, shall be fined in a sum not less than fifty dollars and not more than five hundred dollars.*

§ 2. It shall not be lawful for any State, county, township or district school officer, or other officer connected with the free schools of this State, or of any school supported in whole or in part by the public expense, or any principal, instructor or teacher in any

4 of such schools to act as agent for the sale or introduction of, or be interested in the  
5 sale, proceeds or profits of any school or text book, school furniture or apparatus, used  
6 in any school with which said officer or teacher may be connected. Any person vio-  
7 lating the provisions of this section shall, upon conviction thereof, be fined in any sum  
8 not less than fifty dollars nor more than five hundred dollars for each offense: *Pro-*  
9 *vided*, nothing in this section shall apply to a person who is the author of or owner of  
10 the copy-right of the book or article used or sought to be introduced.

§ 3. A conviction under this act of any officer herein named shall work a forfeiture  
2 of office, and a revocation of the teacher's certificate of any teacher or principal so con-  
3 victed. . All fines collected under this act shall be paid over to the school fund of the  
4 county where such conviction is had.

1. Introduced by Mr. Taliaser March 4, 1879, and ordered to first reading.
2. First reading March 8, and referred to Committee on Education and Educational Institutions.
2. April 5, reported back with recommendation it be ordered to second reading. So ordered.

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## A BILL

For an act entitled "An act to establish the Illinois Western Educational Institution for the Deaf and Dumb, and making appropriations for land, and for the construction of buildings for the same."

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SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That there be and is hereby created and established an Illinois Western Educational Institution for the Deaf and Dumb, which shall possess all the corporate or other powers, and be subject to all the rules and regulations expressed in an act entitled "An act to regulate State Charitable Institutions and State Reformatory Schools, and to improve their organization and increase their efficiency," approved April 15, 1875, and the object of such institution shall be the same as set forth in section 3 of said act.

§ 2. Such educational institution shall be established and located at some common place, upon some navigable water course in said State, north of latitude 40, west of the Illinois river and west of the third principal meridian north of said river.

§ 3. For the purchase of the site, which shall include not less than forty acres nor more than eighty acres of land, and which shall not cost the State more than forty dollars per acre, and for constructing buildings for such educational institution, and for plumbing, heating and the ventilation of the same, and fit said building for occupation and use, and for the improvement of the grounds, there is hereby appropriated the sum

6 one hundred thousand dollars, to be paid out of any moneys not otherwise appropri-  
7 ated, as hereinafter provided.

§ 4. That within ten days from the taking effect of this act, the Governor shall ap-  
2 point seven commissioners, no two of whom shall be of the same congressional district,  
3 and none of whom shall be residents of that portion of the State in which such institu-  
4 tion is limited to be built. And such commissioners shall take and file in the office of  
5 the Secretary of State the following oath:

6 "I do solemnly swear, or affirm, (as the case may be) that I will support the consti-  
7 tution of the United States, and of this State, and will faithfully perform the duty of  
8 commissioner and establish the Illinois Western Educational Institution for the Deaf  
9 and Dumb, according to the best of my ability; and that I have not nor will not, know-  
10 ingly nor intentionally, directly or indirectly, receive any money or other consideration  
11 from any corporation, company or person, for any vote or influence I may give or with-  
12 hold, or for any other official act I may perform, as such commissioner."

13 And as soon as possible after their appointment and qualification, they shall proceed  
14 to select a site for said institution, in that portion of the State of Illinois limited in  
15 this act, and in no other part of said State, and at such place therein as shall be most  
16 economical to the State, and best adapted to the wants of the institution, having regard  
17 in the selection to elevation, sewerage and drainage, and abundant and never fail-  
18 ing supply of living water, facility of access, and the price asked for the land. But  
19 the said commissioners shall neither ask nor accept, on their own account or on account  
20 of the State, any gift in money, freight, lands or other valuable thing, in consideration  
21 of choice of such site, and a violation of these provisions shall be a high misdemeanor,  
22 punishable by fine or imprisonment, or both, and in an amount at the discretion of the  
23 court in which the party charged may be tried.

§ 5. Within ten days after the selection of the site, the governor shall appoint three  
2 trustees for said institution who shall be a body politic and shall be subject to the same  
3 rules, regulations, conditions and purposes as trustees of other State charitable institu-  
4 tions as now provided by law.

§ 6. The said trustees are directed and required to cause to be prepared suitable  
2 plans and specifications by a competent architect, for which not more than two per  
3 cent. shall be allowed, payable in installments, as the work progresses, which shall be

4 submitted to the governor for his approval, and no plan shall be adopted by the trustees  
5 which shall not have first been approved by the governor and Board of Public Char-  
6 ties. Such plans shall be accompanied by specifications and by a detailed statement of  
7 the amount, quality, and description of all materials and labor required for the erection  
8 and full completion of the building according to said plans.

§ 7. When the said plans and specifications shall have been approved and adopted,  
2 the trustees shall cause to be inserted in at least two of the weekly or daily newspapers  
3 in the county in which the said institution shall be located an advertisement for sealed  
4 bids for the construction of the buildings herein authorized, and they shall furnish a  
5 printed copy of this act and specifications to all persons applying therefor; and all par-  
6 ties interested, who may desire it, shall have full and free access to the plans, with the  
7 privilege of taking notes and making memorandums, and the said trustees shall answer  
8 all inquiries addressed to them upon the subject of the proposed buildings to the best of  
9 their ability and belief.

§ 8. Not less than thirty days after the publication of the said proposals for bids, on  
2 a day and at an hour to be specified in the said advertisement, at the place where the  
3 said institution shall be located, in the presence of the bidders or so many of the bid-  
4 ders as may be present, the bids shall be opened for the first time, and the contract for  
5 building shall be let to the lowest and best bidder: *Provided* that no contracts shall be  
6 made and no expense incurred for any building or buildings, requiring for the comple-  
7 tion of the same a greater expense than is provided for in the appropriation made in  
9 this act: *And provided further*, that no bid shall be accepted which is not accompanied  
10 by a good and sufficient bond in the penal sum of ten thousand dollars, signed by at  
11 least three good and sufficient sureties, conditioned as a guaranty for the responsibility  
12 and good faith of the bidder, and that he will enter into contract and give bond as pro-  
13 vided in this act, in case his bid is accepted.

§ 9. The contract to be made with the successful bidder shall be accompanied by a  
2 good and sufficient bond to be approved by the Governor before accepted; conditioned  
3 for the faithful performance of this contract, and the said contract shall provide for the  
4 appointment of a superintendent of construction, who shall not receive more than five  
5 dollars per day for his services, and who shall carefully and accurately measure the  
6 work done and the materials upon the ground at least once in every month, and for



7 the payment of the contractor upon the aforesaid measurement, and for the withhold-  
 8 ing of fifteen per cent. of the value of the work done and the materials on hand until  
 9 the completion of the building; and for a forfeiture of a stipulated sum per diem for  
 10 every day that the completion of the work shall be delayed after the time specified for  
 11 its completion in the contract, and for the full protection of all persons who may fur-  
 12 nish labor or materials for the construction of said buildings, by withholding payment  
 13 from the contractor, and by paying the parties to whom any moneys are due for ser-  
 14 vice or materials as aforesaid, directly for all work done or materials furnished by  
 15 them, in case of notice given the trustees that any such party apprehends  
 16 or fears that he will not receive the money due; and for the settlement  
 17 of all disputed questions as to the value of alterations and extras, by arbitration, at the  
 18 time of final settlement, as follows: One arbitrator to be chosen by the trustees, one  
 19 by the contractor and one by the governor of the State; all three of the said arbitrators  
 20 to be practical mechanics and builders, and for the power and privilege of the trustees,  
 21 under the contract, to order changes in the plans, at their discretion, and to refuse to  
 22 accept any work which may be done not fully in accordance with the letter and spirit  
 23 of the plans and specifications, and all work not accepted shall be replaced at the ex-  
 24 pense of the contractor, and for a deduction from the contract price of all alterations  
 25 ordered by the trustees which may and do diminish the cost of all buildings. They  
 26 may also make such other provisions and conditions in the said contract not herein  
 above specified, as may seem to them necessary or expedient; *Provided*, that  
 no conditions shall be inserted contrary to the letter and spirit of this section, and that  
 in no event shall the State be liable for a greater amount of money than is appropriated  
 for said building and its appurtenances.

§ 10. The said contract shall be signed by the president of the board of trustees on  
 behalf of the board, after a vote authorizing him so to sign shall have been entered  
 upon the minutes of the board, and it shall be attested by the counter signature of the  
 secretary of the board, and by the seal of the institution. It shall be drawn in tripli-  
 cate, and one copy of the same shall be deposited in the office of the board of public  
 charities of this State.

§ 11. All bids shall show the estimated cost of the work to be done of each de-  
 scription, in detail; and the trustees shall have the right and power at their discretion

3 to accept bids for particular portions of the work if for the advantage of the State, and  
4 all measurements and accounts, as the work progresses, shall show in detail the amount  
5 and character of the work for which payment is made.

§ 12. The cost of location, including the cost of a suitable site, may be paid out of  
2 the appropriation herein made, but shall not exceed ten thousand dollars. The com-  
3 missioners to locate shall receive their actual traveling expenses as certified by them  
4 under oath, and a *per diem* of five dollars for every day actually employed in the dis-  
5 charge of the duties imposed upon them by this act, not to exceed twenty days in all.

§ 13. The moneys herein appropriated shall be paid to the parties to whom they  
2 may become due and payable, directly from the treasury of the State, on the warrant  
3 of the Auditor of Public Accounts; And the auditor is hereby authorized and required  
4 to draw the said warrants for moneys due under this act, upon the order of the board  
5 of trustees, accompanied by the vouchers, approved by the Governor, as now provided  
6 by law.

§ 14. No trustee or officer of the said institution shall be in any way interested in any  
2 contract for the erection of the said buildings, or furnishing any material for said  
3 buildings; and if any such trustee or officer shall be so interested, he shall be deemed  
4 guilty of a high misdemeanor, and, on conviction thereof, shall be fined in a sum not  
5 exceeding ten thousand dollars.

§ 15. Before making payment for the lands for whose purchase provision is made in  
2 this act, the seller shall furnish to the trustees an abstract of title, which shall be sub-  
3 mitted by the trustees to the attorney general for examination, and to the Governor for  
4 his approval, and no moneys shall be paid for such lands without a perfect conveyance  
5 of title in fee simple to the state of Illinois by a warranty deed.



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1. Introduced by Mr. Hoener, March 4, 1879, and ordered to first reading.
  2. First reading March 6, 1879, and referred to Committee on Education and Educational Institutions.
  3. Reported back, passage recommended and ordered to second reading March 7, 1879.

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### A BILL

For an act to repeal paragraphs two (2), three (3) and nine (9) of section three (3) of an act entitled "an act for the establishment of a system of graded schools in the town of Waterloo and vicinity." Approved and in force March 29, 1869.

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SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That paragraphs two (2), three (3) and nine (9) of section three (3) of "an act entitled an act for the establishment of a system of graded schools in the town of Waterloo and vicinity," approved and in force March 29, 1869, be and the same are hereby repealed.



1. Introduced by Mr. Johnson March 4, 1879, and ordered to first reading.
2. First reading March 8, 1879, and referred to Committee on Municipalities.
3. Reported back, passage recommended, and ordered to second reading March 12, 1879.

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## A BILL

For an act to prohibit the Loaning of Public Money.

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**SECTION 1.** *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That it shall be unlawful for the treasurer of any county, town, district or municipality, or for any public board or commission, or any officer or treasurer thereof, having the care or custody of any money belonging to such county, town, district, municipality, public board or commission, to take or receive, directly or indirectly, or directly or indirectly contract or agree to receive, for his own or another's benefit, any money, bonus, interest, valuable thing or consideration, from any bank, corporation, association, partnership, person or persons, or other source whatsoever, for the loan, use or deposit of any such public money. Any treasurer or other officer who shall violate the provisions of this act, shall be deemed guilty of felony, and upon conviction thereof, shall be punished by a fine of not less than one thousand dollars and not more than five thousand dollars, and by imprisonment in the penitentiary for a term not less than one year and not more than five years.



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(In House.)

1. Reported to House May 6, 1879.
2. First reading May 12, and referred to Committee on Municipal Affairs.
3. Reported back with amendments, passage recommended and ordered to second reading May 16.

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Amendment to Senate Bill No. 365, offered by Committee on Municipal Affairs May 16, 1879.

Amend section 1, second line of written bill, by adding after the word "treasurer"  
2 the words "of the State of Illinois." Also by adding after the word "such," line 6, the  
3 word "State."

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## A BILL

For an act to prohibit the loaning of public money.

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SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General*  
2 *Assembly, That it shall be unlawful for the treasurer of any county, town, district or*  
3 *municipality, or for any public board or commission, or any officer or treasurer thereof,*  
4 *having the care or custody of any money belonging to such county, town, district,*  
5 *municipality, public board or commission, to take or receive, directly or indirectly, or*  
6 *directly or indirectly contract or agree to receive, for his own or another's benefit, any*  
7 *money, bonus, interest, valuable thing or consideration, from any bank, corporation,*  
8 *association, partnership, person or persons, or other source whatsoever, for the loan,*



9 use or deposit of any such public money. Any treasurer or other officer who shall vio-  
10 late the provisions of this act, shall be deemed guilty of felony, and upon conviction  
11 thereof, shall be punished by a fine of not less than one thousand dollars and not more  
12 than five thousand dollars, and by imprisonment in the penitentiary for a term not less  
13 than one year and not more than five years.

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Substitute for Senate Bill No. 42.

1. Introduced by Mr. Munn, from Committee on Military Affairs, March 5, 1879, and ordered to first reading.
2. First reading March 8, 1879, and ordered to second reading.

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**A BILL**

For an act to provide for the payment of the Illinois National Guard for services performed during the years 1877 and 1878, and for the payment of transportation, subsistence and incidental expenses of the same.

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SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General*

2 *Assembly, That the sum of eighty-three thousand five hundred dollars (\$83,500) be and*  
3 *the same is hereby appropriated and set apart, from any moneys in the State Treasury*  
4 *not otherwise appropriated, for the purpose of paying the Illinois National Guard for*  
5 *services performed during the years 1877 and 1878, and for the payment of transporta-*  
6 *tion, subsistence and incidental expenses of the same.*

§ 2. That for the payment of the officers and soldiers a pay-roll for each sepa-  
2 rate command, and for the field and staff, shall be made out, which shall contain the  
3 name of each officer or soldier, the number of days of actual service rendered, and the  
4 amount due each person named for such service. The pay-rolls shall be certified,  
5 respectively, by the commanding officers to be correct, and shall be approved by the  
6 Governor and filed in the office of the Adjutant General. For the payment of all  
7 transportation, subsistence and incidental expenses, all persons having claims shall  
8 make out itemized bills for the same, verified by affidavit, which bills shall be certified  
9 as correct and payment recommended by the officer under whose command the expense  
10 was incurred, and shall be approved by his commanding officers and the Governor, and  
11 filed in the office of the Adjutant General. The Adjutant General shall forthwith cer-

12 tify the amounts due each person, as shall appear by such pay-rolls and bills, to the  
13 Auditor, who shall thereupon draw his warrants upon the Treasurer, payable to the  
14 order of such persons, for the amount due, and forward the same by mail to him or  
15 his commanding officer: *Provided*, That no bill shall be approved by the Governor for  
16 the transportation of troops by railroad companies for a greater sum than two (2) cents  
17 per mile per capita.

§ 8. WHEREAS, the amount appropriated by this act has been due for over one year,  
2 therefore an emergency exists, and this act shall take effect from and after its passage.

## Substitute for Senate Bill No. 42.

1. Introduced by Mr. Munn, from Committee on Military Affairs, March 5, 1879, and ordered to first reading.
2. First reading March 8, 1879, and ordered to second reading.
3. Second reading March 27, 1879, amended and ordered to third reading.

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A BILL

For an act to provide for the payment of the Illinois National Guard for services performed during the years 1877 and 1878, and for the payment of transportation, subsistence and incidental expenses of the same.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General*

Assembly, That the sum of eighty-three thousand dollars (\$83,000), or so much thereof as may be necessary, be and the same is hereby appropriated and set apart, from any moneys in the State Treasury not otherwise appropriated, for the purpose of paying the Illinois National Guard for services performed during the years 1877 and 1878, and for payment of transportation, subsistence and incidental expenses of the same.

§ 2. That for the payment of the officers and soldiers a pay-roll for each separate command, and for the field and staff, shall be made out, which shall contain the name of each officer or soldier, the number of days of actual service rendered, and the amount due each person named for such service. The pay-roll shall be certified, respectively, by the commanding officer to be correct, and shall be approved by the Governor and filed in the office of the Adjutant General. For the payment of all transportation, subsistence and incidental expenses, all persons having claims shall make out itemized bills for the same, verified by affidavit, which bills will be certified as correct and payment recommended by the officer under whose command the expense was incurred, and shall be approved by his commanding officers and the Governor, and filed in the office

11 of the Adjutant General. The Adjutant General shall forthwith certify the amounts  
12 due each person, as shall appear by such pay-rolls and bills, to the Auditor, who shall  
13 thereupon draw his warrant upon the Treasurer, payable to the order of such persons,  
14 for the amount due, and forward the same by mail to him or his commanding officer:  
15 *Provided*, that no bill shall be approved by the Governor for the transportation of troops  
16 by railroad companies for a greater sum than two (2) cents per mile per capita.

§ 3. WHEREAS, The amount appropriated by this act has been due for over one year,  
2 therefore an emergency exists, and this act shall take effect from and after its passage.

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Substitute for Bills Nos. 80 and 82.

1. Introduced by Mr. Munn, from Committee on Military Affairs, March 6, 1879, and ordered to first reading.
2. First reading March 8, 1879, and ordered to second reading.

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A BILL

For an act to provide for the organization of the State Militia, and entitled, "The Military Code of Illinois."

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## ARTICLE I

## LIABILITY AND EXEMPTION.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That all able-bodied male citizens of this State, between the ages of eighteen and forty-five years, except such as are expressly exempted by the laws of the United States, or are State and county officers, or on account of their profession or employment or are exempted by the commander-in-chief, shall be subject to military duty and designated as the Illinois State Militia.

## ENROLLMENT.

§ 2. When it is necessary to execute the laws, suppress insurrection, or repel invasion, or to quell riots, or when a requisition shall be made by the President of the United States for troops, the Governor, as commander-in-chief, may, by his proclamation, require the enrollment of the militia of the State, or of such portions thereof as may be necessary, and he shall appoint necessary enrolling officers and prescribe their duties, issuing all proper orders that may be required in the premises. He may designate the place of rendezvous, provide for the organization of the militia into companies,

8 battalions, regiments and brigades, and their equipments, as the case may require.  
 9 The militia, when called into active service, shall receive the same pay and subsistence  
 10 as is provided for like troops in the service of the United States.

#### VOLUNTEERS.

§ 3. The active militia shall be designated as the "Illinois National Guard," which  
 2 shall consist of not more than ten thousand men and the officers hereinafter provided,  
 3 and shall be recruited by volunteer enlistments. The entire State shall compose one  
 4 division, of not more than three brigades, to be commanded by one major general and  
 5 three brigadier generals. The commander-in-chief shall assign all regiments, battalions  
 6 and companies to such brigades as he shall think proper. All enlistments therein shall  
 7 be for five years, and made by signing enlistment papers prescribed by the adjutant  
 8 general, and taking the following oath, or affirmation, which may be administered by  
 9 the enlisting officer, to wit: "You do solemnly swear (or affirm) that you will bear  
 10 true allegiance to the United States and the State of Illinois; and that you will sup-  
 11 port the constitutions thereof; that you will serve the State of Illinois faithfully in its  
 12 military service for the term of five years, unless sooner discharged, or you cease to  
 13 become a citizen thereof; that you will obey the orders of the commander-in-chief,  
 14 and such officers as may be placed over you, and the laws governing the military forces  
 15 of Illinois; so help you God." This oath may be administered by any commissioned  
 16 officer, or, in his absence, by any officer authorized by law to administer oaths.

§ 4. The staff of the commander-in-chief shall consist of an adjutant-general, with  
 2 the rank of brigadier-general, who shall be ex-officio chief of staff, commissary-general  
 3 and quartermaster-general, an inspector general, a paymaster general, chief of artillery,  
 4 chief of cavalry, chief of ordnance, surgeon-general, judge advocate-general, each with  
 5 the rank of brigadier-general, a general inspector of rifle practice, with the rank of  
 6 colonel; and such other officers as he may think proper to appoint. The adjutant-  
 7 general shall issue and transmit all orders of the commander-in-chief with reference to  
 8 the militia or military organizations of the State, and shall keep a record of all officers  
 9 commissioned by the Governor, and of all general and special orders and regulations,  
 10 and of all such matters as pertain to the organization of the State militia and the Illi-  
 11 nois National Guard, and the duties of an adjutant, commissary and quartermaster-gen-

12 eral. He shall have charge of the State arsenal and grounds, and shall receive and is-  
 13 sue all ordnance and ordnance stores, and camp and garrison equipage, on the order  
 14 of the commander-in chief. He may appoint, with the approval of the Governor, a  
 15 clerk, at a salary of not more than eight hundred dollars per annum, and an ordnance-  
 16 sergeant, at a salary of not more than six hundred dollars per annum, who shall, under  
 17 the direction of the adjutant-general, aid and assist him in the discharge of his duties.  
 18 The adjutant-general shall receive for his services, the sum of twenty-five hundred dol-  
 19 lars per annum. He shall have charge of, and carefully preserve the colors, flags,  
 20 guidons and military trophies of war belonging to the State, and shall not allow the  
 21 same to be loaned out or removed from their proper place of deposit. He shall furnish,  
 22 at the expense of the State, all proper blank books, blanks and forms, and such mili-  
 23 tary instruction books as shall be approved by the commander-in-chief. He shall also,  
 24 on or before the first day of October next preceeding the regular session of the General  
 25 Assembly, make out a full and detailed account of all the transactions of his office, with  
 26 the expenses of the same for the preceeding two years, and such other matters as shall be  
 27 required by the Governor, and shall also report at such other times as the Governor  
 28 shall require. He shall reside at the State Capital, and shall hold his office during the  
 29 pleasure of the Governor.

§ 5. The generals of division and brigades shall be appointed by the Governor, and  
 2 shall hold their office until removed by court-martial or resignation. On recommenda-  
 3 tion of the general of division, the Governor shall appoint and commission the follow-  
 4 ing as the division staff: Chief of staff, with rank of colonel; a judge advocate, with  
 5 rank of colonel; assistant adjutant general, with rank of lieutenant colonel; assistant  
 6 inspector, with rank of lieutenant colonel; inspector of rifle practice, with rank of lieut-  
 7 enant colonel; surgeon, with rank of lieutenant colonel; quartermaster, with rank as  
 8 major; commissary, with rank as major; paymaster, with rank as major; and two aids  
 9 de-camp, with rank as captains. On recommendation of brigade commanders, the Gov-  
 10 ernor shall appoint and commission the brigade staff as follows: Chief of staff, with  
 11 rank of lieutenant colonel; judge advocate, with rank of lieutenant colonel; assistant  
 12 adjutant general, with rank of lieutenant colonel; inspector general, with rank as  
 13 major; inspector of rifle practice, with rank as major; surgeon, with rank as major;



14 quartermaster, with rank as captain; commissary, with rank as captain; paymaster  
15 with rank as captain; and three aide-de-camp, with rank as first lieutenant.

§ 6. A regiment of infantry shall consist of not less than eight, nor more than ten  
2 companies. A battalion shall consist of not less than two, and not more than seven  
3 companies. A battalion of less than four companies shall be entitled to a major, and  
4 when it has been augmented to four or more companies it shall be entitled to a lieutenant  
5 tenant colonel. The colonel, lieutenant colonel and major of all battalions and regi-  
6 ments, shall be elected by the line officers thereof. The regimental staff shall consist of  
7 a surgeon, with rank of major; assistant surgeon, with rank of captain; inspector of  
8 rifle practice, with rank of captain; chaplain, with the rank of captain; adjutant, with  
9 the rank of captain; quartermaster, with the rank of first lieutenant; who shall be  
10 appointed and commissioned by the Governor, on recommendation of the regimental  
11 commander. The battalion staff shall consist of the same officers, except surgeon, and  
12 shall be appointed and commissioned on recommendation of the battalion commander.  
13 The commander of a regiment or battalion shall appoint, by warrant, a sergeant-major,  
14 quartermaster sergeant, commissary sergeant, hospital steward, color sergeant, ordnance  
15 sergeant, drum major, and two principal musicians, who shall constitute the non-com-  
16 missioned staff. All field officers shall hold their offices for five years. The commis-  
17 sions of all staff officers shall expire when the successor of the officer nominating them  
18 shall make new nominations to their respective offices, and such nominations shall be  
19 confirmed by the commander-in-chief.

§ 7. A battalion of cavalry shall consist of not more than four nor less than two  
2 companies, of not less than forty enlisted men in each company, and such battalion  
3 shall be entitled to a major, and if over four companies should at any time be deemed  
4 necessary by the Governor, it shall be called a regiment, and be entitled also to a lieutenant  
5 tenant colonel, with the same staff officers as a battalion of infantry, with the addition  
6 of a commissary, with rank as a first lieutenant. The non-commissioned staff of a  
7 battalion of cavalry shall consist of a sergeant major, quartermaster sergeant, commis-  
8 sar sergeant, hospital steward, color sergeant, chief bugler, farrier sergeant, and saddler  
9 sergeant, who shall be appointed in the same manner as provided for a battalion of  
10 infantry.

§ 8. A company shall consist of a captain, a first lieutenant, a second lieutenant,

2 five sergeants, four corporals, two musicians, and not less than forty, and not more than  
3 one hundred privates and non-commissioned officers.

§ 9. A company of cavalry or artillery shall have, in addition to these officers, a  
2 commissary sergeant, a quartermaster sergeant, farrier, saddler and bugler: *Provided*,  
3 that a company of artillery, having more than two guns, shall be entitled to an addi-  
4 tional second lieutenant, and the commander thereof shall rank as major.

## ARTICLE II.

SECTION 1. Company officers shall be elected by the members of the company, and  
2 hold their offices for three years. All non-commissioned officers of companies, on rec-  
3 ommendation of their captain, shall be appointed by the warrant of the battalion or  
4 regimental commander.

§ 2. All meetings for the election of officers to fill vacancies shall be ordered by the  
2 brigade commander. The orders therefor shall be addressed to an officer of his com-  
3 mand to preside at such meeting, who shall, at least one week previous thereto, send  
4 a notice thereof by mail to each person entitled to vote thereat. The voting shall be  
5 by ballot, and a majority of all votes cast shall be necessary to elect, and the result  
6 thereof shall be forthwith returned by the officer presiding, through the regimental or  
7 battalion commander, to the adjutant general. If there shall be a failure to elect any  
8 officer at two meetings ordered therefor, the commander-in-chief may fill the vacancy  
9 by direct appointment. If the officer designated to preside at such meeting shall not  
10 appear thereat, the senior officer present shall preside.

§ 3. An examining board of three or more competent officers, appointed by the  
2 division commander shall convene at such times and places as he shall direct, and ex-  
3 amine in military tactics all commissioned officers below the rank of brigadier general  
4 who shall be ordered before it. The division commander shall give at least two weeks  
5 notice to all such officers to appear thereat. Said board shall in twenty days after such  
6 examination make a detailed report of its result to the division commander, upon  
7 whose recommendation the Governor may revoke appointments of all officers failing to  
8 pass an examination satisfactory to said board. If any officer shall fail to appear for  
9 examination on receiving proper notice, he may be allowed an opportunity for exami-  
10 nation at the next session of the board, if he shall give a satisfactory excuse for his ab-

11 sence: *Provided*, that no officer who shall have passed a satisfactory examination shall  
12 be re-examined.

§ 4. Every company, battalion and regiment may make by laws for its government  
2 not in conflict with this act or with general orders or regulations, which shall be bind-  
3 ing upon the members.

§ 5. Every officer, non-commissioned officer, musician and private of the  
2 Illinois National Guard, shall be held to duty for the full term of five years, unless re-  
3 gularly discharged for good and sufficient cause by the commandant of his regiment,  
4 battalion or battery, approved by the division commander or by order of  
5 the commander-in-chief. In every case the discharge of an enlisted man  
6 by a commander as aforesaid, the commanding officer of his company  
7 shall certify to the facts on which the application is based, through inter-  
8 mediate commanders, to the adjutant general for the approval or disapproval of the  
9 commander-in-chief, and each commander shall endorse thereon his approval or disap-  
10 proval. In case of application for discharge for disability, such application shall take  
11 the same course and shall also have the certificate of the proper medical officers en-  
12 dored thereon.

§ 6. Whenever any company of the State Guard shall become reduced to a number  
2 less than forty non-commissioned officers and privates, uniformed and active members,  
3 to be ascertained by an inspection, it may be disbanded or consolidated with another  
4 company by the commander-in-chief.

§ 7. The organization, equipment, discipline and military regulations of the Illinois  
2 National Guard shall conform to the regulations for the government of the army of  
3 United States in all cases, except as herein otherwise provided, and all orders and re-  
4 gulations governing troops, not in conflict with the constitution of this State and the  
5 provisions of this act shall be binding upon all members of the Illinois National Guard.

### ARTICLE III.

#### EXEMPTIONS.

SECTION 1. Every officer, non-commissioned officer, musician and private of the Illi-  
2 nois National Guard shall be exempt from jury duty, from payment of road, labor  
3 and head or poll tax of every description during the time he shall hold a com-  
4 mission as officer, or be enrolled as an enlisted man in the Illinois National Guard

5 The uniform, arms and equipments of every member of the Illinois National Guard  
 6 shall be exempt from all suits, distresses, executions or sales for debt, or payment  
 7 of taxes. The members thereof shall, in all cases, except treason, felony, or breach  
 8 of the peace, be privileged from arrest during their attendance at drills, parades,  
 9 encampments and the election of officers, and in going to and returning from the  
 10 same.

## ARTICLE IV.

### PARADES AND ENCAMPMENTS.

SECTION 1. The commander of each regiment, battalion and battery may order  
 2 monthly or semi-monthly evening drills by the companies of his command from Octo-  
 3 ber to April, inclusive, which shall be deemed regularly ordered drills within the mean-  
 4 ing of this act.

§ 2. The Illinois National Guard shall parade for drill not less than three, nor more  
 2 than six days annually, by company, battalion, regiment or brigade, as ordered by the  
 3 commander-in-chief.

§ 3. The commanding officer of any encampment or parade may cause those under  
 2 his command to perform any field or camp duty he shall require, and may put under  
 3 arrest during such encampment or parade any member of his command who shall dis-  
 4 obey a superior officer, or be guilty of disorderly or unmilitary conduct, and any other  
 5 person who shall trespass on the parade or encampment ground, or in any way inter-  
 6 rupt or molest the orderly discharge of duty by the members of his command; and he  
 7 may prohibit the sale of all spirituous or malt liquors within one mile of such encamp-  
 8 ment, and enforce such prohibition by force, if necessary: *Provided*, that nothing  
 9 herein contained shall be construed to interfere with the regular business of any liquor  
 10 dealer whose place of business shall be situated within said limits before the commence-  
 11 ment of said encampment.

§ 4. The division commander shall direct such target practice at the annual  
 2 parades and encampments as he may deem expedient, and he may command at  
 3 each general encampment, and report the conduct and discipline thereof to the  
 4 commander-in-chief.

## ARTICLE V.

## ARMS AND ARMORIES.

SECTION 1. Upon the organization of any company or battallion of the Illinois National Guard, on the requisition of its commanding officer, and the approval of the Governor, the quartermaster-general shall issue all necessary ordnance stores: *Provided, however,* that when any arms or munition are delivered to any commander, he shall execute and deliver to the adjutant-general a bond payable to the People of the State of Illinois, in a sufficient amount and with sufficient security, to be approved by the Governor, conditioned for the proper use of such arms and munition, and the return of the same when requested by the proper officers, in good order, wear, use and unavoidable loss and damage excepted. All such arms and munitions shall be kept at the company or regimental armory.

§ 2. The inspector-general shall critically inspect, as often as he may deem necessary, every branch connected with the military service, including armories, arsenals, and military store-houses; and he shall report to general headquarters the improvement in discipline and tactical instruction of the Illinois National Guard. He shall organize the inspector-general's department, and shall prescribe the rules and regulations for its government, and shall decide upon the necessary blank forms required by his department, and see that the same are furnished at the proper time.

§ 3. The entire Illinois National Guard and all armories, ordnance stores and camp equipage belonging to the State, shall be inspected at least once in each year, under such rules and regulations as may be provided by the inspector general, with the approval of the commander-in-chief, and all the necessary traveling expenses incurred therein, shall be paid on the requisition in the same manner as hereinafter provided for.

§ 4. Commandants of regiments, battalions, troops, batteries, or separate companies, shall furnish to the inspector general such information as he may require as to the number and kind of arms, equipments and military property of the State issued to their respective regiments, battalions, troops, batteries, or separate companies; and at the inspection of any armory, arsenal or military store-house, if the inspector general finds the property which ought to be kept therein, or any part of it missing, injured, unfit for use, or deficient in any respect, he shall forthwith report the facts in respect thereto, to the commander-in-chief.

§ 5. In his annual report the inspector general shall state what general and field officers have been in command of parades and encampments, what changes of general and field officers have been made, and what degree of improvement has been attained by both officers and men, and whether the general regulations have been observed, together with such other suggestions as he may see fit to make.

§ 6. The division and brigade inspectors, whenever required by the inspector general, shall report to him the condition of their respective divisions or brigades, and shall also, upon his request, report to him upon the manner properly belonging to his department which may require examination, within their respective division or brigade districts. All such reports shall be addressed to the inspector general, but shall be forwarded through brigade and division commanders.

§ 7. The armory of each regiment, battalion or company shall be subject to the orders of the adjutant general, be under the charge of its commanding officer, who shall keep therein all property furnished by the State; and no company shall be furnished with arms or equipments until a suitable armory shall be provided for their deposit; nor shall such arms be loaned, or taken from such armories by individual members of companies. Any officer, non-commissioned officer or private of the Illinois National Guard knowingly making any false certificate, or false returns of State property in his hands, or neglecting or refusing to apply all money drawn from the State treasurer for the purpose named in the requisition therefor, shall be guilty of embezzlement and fraud, and shall be punished in the manner as provided for like offenses in the criminal code of this State.

## ARTICLE VI.

SECTION 1. The general inspector of rifle practice shall have charge of rifle practice throughout the State, shall direct the manner in which the same shall be conducted, and shall report direct to the inspector general.

§ 2. The division, brigade, regimental and battalion inspectors of rifle practice shall perform such duties as may, from time to time, be prescribed by the general inspector of rifle practice, with the approval of the inspector general.

§ 3. Such inspection of rifle practice shall be paid as is hereinafter prescribed, the same as for camp duty, subject to the approval of the inspector general and commander-in-chief. The expenses of procuring and maintaining proper rifle ranges,

4 procuring ammunition, the necessary printing, and all other things deemed proper  
 5 for the promotion of rifle practice by the Illinois National Guard, shall be paid for  
 6 from the military fund, on bills of particulars, approved by the commander-in-chief.

## ARTICLE VII.

### RIOTS, BREACHES OF THE PEACE, &c.

SECTION 1. In case of any breach of the peace, tumult, riot, or resistance to process  
 7 of this State, or imminent danger thereof, it shall be lawful for the sheriff of any county  
 8 or the mayor of any city, to call for and upon the ranking officer of the Illinois Na-  
 9 tional Guard of his city or county, and it shall be the duty of the said commanding  
 10 officer, upon whom such call is made, to order out, in aid of the civil authorities, the  
 11 military force or any part thereof under his command, and the number and disposition  
 12 of troops shall be discretionary with the officer called upon; he shall immediately re-  
 13 port what he has done, and all the circumstances attending the same to the division  
 14 commander, through the proper channels, and in such cases it shall not be necessary  
 15 for commandants of troops, batteries or companies to issue written orders or notices for  
 16 calling out their men, but verbal orders and notices shall be sufficient.

## ARTICLE VIII.

### COURTS MARTIAL.

SECTION 1. General courts martial for the trial of commissioned officers shall be  
 2 ordered by the division commander at such times as the interest of the service may  
 3 require, and shall consist of not less than three nor more than five officers, the majority  
 4 of whom shall not be of inferior rank to the accused, when practicable.

§ 2. Commissioned officers may be tried by court martial for the following offenses:

2 For drunkenness on duty; for neglect of duty; for oppression of any under his com-  
 3 mand; for disobedience of orders, or any act contrary to the provisions of this act, or  
 4 for conduct unbecoming an officer or gentleman, or to the prejudice of good order or  
 5 military discipline.

§ 3. For the trial of non-commissioned officers, musicians and privates, the com-  
 2 manding officer of each brigade shall, at such times as shall be necessary, appoint a  
 3 regimental court martial for any regiment, battalion or company in his brigade, which

4 shall consist of not less than three, nor more than five commissioned officers, one of  
5 whom shall be a field officer.

§ 4. Any non-commissioned officer, musician or private may be tried by court mar-  
2 tial for drunkenness on duty, for neglect of duty, for mutiny or desertion, for disobe-  
3 dience of orders, or for conduct unbecoming a soldier, or to the prejudice of good  
4 order or military discipline.

§ 5. In all general or regimental courts martial, the arraignment of the accused, the  
2 proceedings, trial and record shall conform to the regulations for the discipline of the  
3 army of the United States, except as herein otherwise provided, and the sentences of  
4 such courts shall be in accordance with the nature and degree of the offense, and ac-  
5 cording to established military usage, but shall not extend further in time of peace than  
6 dismissing or discharging the officer or soldier, and disqualifying him from holding  
7 any military office in this State.

§ 6. The judge advocate of each brigade shall perform the duties of such office in  
2 all courts martial in his district, and no other officer shall prosecute in such courts, ex-  
3 cept when such judge shall be unable to attend from any cause, or shall be disqualified  
4 by interest or relationship, in which case the division commander may designate a  
5 judge advocate of some other brigade to act in his place.

§ 7. Witnesses for the prosecution and defense may be summoned to attend by sub-  
2 poena, signed by the judge advocate. Any witness, duly summoned, who shall fail to  
3 appear and testify, may be, by warrant of the president of the court directed to the  
4 sheriff or any constable, arrested and treated as in like cases before civil courts. The  
5 fees of all witnesses shall be the same as allowed in civil cases, to be taxed with the  
6 necessary expenses of the judge advocate and the court, by the president of the court,  
7 and paid by the State Treasurer on the Auditor's warrant, to the judge advocate, who  
8 shall pay all the expenses of the trial when received by him.

§ 8. The proceedings and sentence of any court martial shall without delay be for-  
2 warded, through the proper channel, to the commander-in-chief, who shall within fifteen  
3 days after receiving the same approve or disapprove of such proceedings and sentence,  
4 and may in his discretion mitigate or remit the sentence of such court.

§ 9. Whenever any portion of the military forces of this State shall be ordered by  
2 the commander-in-chief to assemble for the purpose of suppressing any riot, insurrec-



tion, invasion or in time of public danger, the rules and articles of war and general regulations for the government of the army of the United States, so far as they are applicable, and with such modifications as the commander-in-chief may prescribe, shall be considered in force and regarded as part of this act during the continuance of such service. But no punishment under such rules and articles which shall extend to the taking of life shall in any case be inflicted, except in time of actual war, invasion or insurrection declared by proclamation of the Governor to exist, and then only after approval by the commander-in-chief of the sentence inflicting such punishment.

## ARTICLE IX.

### PAY DEPARTMENT.

SECTION 1. All officers of the Illinois National Guard shall receive the same pay provided by law for officers of the United States Army of like grade, for each day's service while under orders from the commander-in-chief. Said payments to be made on rolls prescribed by the adjutant general.

§ 2. The enlisted men of the Illinois National Guard shall receive two dollars for each day's service at any parade or encampment authorized by law, and in going to and returning from the same, and when under any orders of the commander-in-chief, or other proper authority for the purposes and in the manner herein provided, and each mounted non-commissioned officer, musician and private shall receive, in addition to the above, two dollars per day and forage for his horse, and the commander of each battery shall be allowed two dollars per day and forage for each horse necessary for moving the same.

## ARTICLE X.

### MEDICAL SERVICE.

SECTION 1. The medical staff of the Illinois National Guard shall have charge of that branch of the service, under the supervision of the surgeon general.

§ 2. Upon proper requisition, approved by the surgeon general, and sanctioned by the Governor, the quartermaster general shall direct the furnishing of a proper medical chest and medical supplies to each surgeon of a regiment or battalion, the expense of which shall be met from the military fund, on vouchers approved by the Governor.

§ 3. A surgeon in charge in the field, or at a camp of instruction, may contract for

2 and purchase such medical stores and supplies as in his judgment may be needed, and  
3 for which he shall account on forms provided by the Governor.

§ 4. The surgeon general may prescribe the necessary forms and blanks for the  
2 work of his department, and all subordinate surgeons of the entire Illinois National  
3 Guard will obey his orders, and report, as often as he may prescribe, the transactions  
4 of their departments.

## ARTICLE XI.

### APPROPRIATIONS.

SECTION 1. There shall be levied and collected annually in each county within this  
2 State, at the same time and in the same manner that all State and county taxes are  
3 levied and collected, one-fifth of a mill on each dollar of taxable property in this State,  
4 situate in said county, to be set apart as a military fund of this State, which sum shall  
5 be used and applied for the payment of armory rent, fires, lights and insurance thereon,  
6 medical supplies, target practice and establishment of ranges as hereinbefore provided,  
7 expenses of courts martial, transportation, subsistence and pay of officers and men, and  
8 for the proper clothing, equipments, quartermaster supplies, and camp and garrison  
9 equipage while on duty as herein provided; also, for all necessary expenses of brigades,  
10 regimental, battalion or separate company's headquarters.

§ 2. All requisitions for expenses above enumerated must be made in duplicate, upon  
2 forms provided by the adjutant-general, by the commander of brigades, regiment, bat-  
3 talion and separate companies, countersigned by the adjutant and quartermaster-gen-  
4 eral, on the commander-in-chief, who, being satisfied that said requisition is in compli-  
5 ance with this act, shall cause one copy to be filed in the office of the adjutant-general,  
6 and the other, with his endorsement thereon, with the State Auditor, who shall draw  
7 his warrant for the amount named in such requisition on the State Treasurer, payable  
8 from the military fund, and forward said warrant to the said commander.

§ 3. All unexpended balance of the above appropriation, may be used as a contin-  
2 gent military fund in emergencies, on order of the commander-in-chief.

## ARTICLE XII.

### GENERAL PROVISIONS.

SECTION 1. The commanding officer of each regiment or battalion may, in his dis-

2 cation, enlist or organize a band under the leadership of a principal musician of his  
 3 command, not to exceed sixteen in number for a regiment, and twelve for a battalion,  
 4 who shall be subject to the orders of such leader, and under the command of the regi-  
 5 mental or battalion commander, and delinquents of such band shall be subject to the  
 6 same penalties as are prescribed for all enlisted men.

§ 2. For each day's duty, when under orders from the commander-in-chief, or as a  
 2 witness or a defendant, under summons from the president or judge advocate of a court  
 3 martial, officers and men shall be paid as hereinbefore provided for camp duty.

§ 3. There shall be provided by the quartermaster-general, such books of record  
 2 and books of instruction, as may be necessary for the proper performance of the various  
 3 duties required by this code, the same to be paid for on bills of particulars approved by  
 4 the Governor, and drawn from the military fund.

§ 4. No military company shall leave the State with arms and equipments without  
 2 the consent of the commander-in-chief, and any company so offending in this particular,  
 3 may be disbanded by the commander-in-chief.

§ 5. It shall not be lawful for any body of men whatever, other than the regular  
 2 organized volunteer militia of this State, and the troops of the United States to asso-  
 3 ciate themselves together as a military company or organization, or to parade in public  
 4 with arms in any city or town of this State, without the license of the Governor there-  
 5 for, which license may at any time be revoked: *And, provided further*, that students in  
 6 educational institutions where military science is a part of the course of instruction  
 7 may, with the consent of the Governor, drill and parade with arms in public, under  
 8 the superintendence of their instructors, and may take part in any regimental or  
 9 brigade encampment, under command of their military instructor; and while so en-  
 10 camped, shall be governed by the provisions of this act. They shall be entitled only  
 11 to transportation and subsistence, and shall report and be subject to the commandant  
 12 of such encampment.

§ 6. Whoever offends against the provisions of the preceding section, or belongs to  
 2 or parades with any such unauthorized body of men with arms, shall be punished by a  
 3 fine not exceeding the sum of ten (10) dollars, or be imprisoned in the common jail for  
 4 a term not exceeding six months, or both.

§ 7. Inasmuch as the appropriation provided for in article eleven of this act cannot

2 be realized until the year 1881, there is hereby appropriated and set apart as a military  
3 fund until that time, the sum of one hundred thousand dollars annually, from any  
4 money in the treasury not otherwise appropriated, to be used and applied for the pur-  
5 poses and in the manner specified in said article eleven of this act.

§ 8. All acts and parts of acts inconsistent with the provisions contained in this act  
2 are hereby repealed.



1. Introduced by Mr. Ware, March 5, 1879, and ordered to a first reading.
2. First reading March 8, 1879, and referred to Committee on State Charitable Institutions.
3. Reported back March 28, 1879, passage recommended, and ordered to a second reading.

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## A BILL

For an act amending section seventeen of an act entitled "An act to amend the act establishing the State Hospital for the Insane," approved February 15, 1851.

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SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly, That section seventeen (17) of an act entitled "An act to amend the act establishing the State Hospital for the Insane," approved February 15, 1851, be and the same is hereby so amended as to read as follows, to-wit:*

§ 17. All persons employed in the hospital, whilst so employed, shall be exempt from serving on juries, and in time of peace from performing military duty.



1. Introduced by Mr. Herdman March 5, 1879, and ordered to first reading.
2. First reading March 8, 1879, and referred to Committee on Miscellany.
3. Reported back, passage recommended, and ordered to second reading March 12, 1879.

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### A BILL

For an act to amend section ten (10) of an act entitled "An Act to regulate the practice of medicine in the State of Illinois," approved May 29, 1877; in force July 1, 1877.

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SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That section ten (10) of an act entitled "An Act to regulate the practice of medicine in the State of Illinois," approved March 29, 1877; in force July 1, 1877, be and the same hereby is so amended as to read as follows:

SECTION 10. The State Board of Health or Board of Examiners may refuse certificates to individuals guilty of unprofessional or dishonorable conduct, and they may revoke certificates for like causes: *Provided,* that it shall not be taken or deemed to be unprofessional or dishonorable for a physician to advertise his business through the newspapers, or by circulars, cards or otherwise. In all cases of refusal or revocation, the applicant may appeal to the body appointing the Board.





1. Introduced by Mr. Davis March 5, 1879, and ordered to first reading.
2. First reading March 8, 1879, and referred to Committee on Education and Educational Institutions.
3. Reported back, passage recommended, and ordered to second reading March 14, 1879.

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### A BILL

For an Act to amend an act entitled "An Act to establish and maintain a system of Free Schools," approved April 1, 1872.

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SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General*

2 *Assembly, That sections seven (7), fourteen (14), twenty (20), thirty-two (32), thirty-*  
3 *five (35), thirty-six (36), forty-two (42), forty-three (43), forty-four (44), forty five (45),*  
4 *forty-seven (47), forty-eight (48), fifty-one (51), fifty-two (52), fifty-three (53), fifty-*  
5 *four (54), fifty-seven (57), sixty-three (63), and sixty-seven (67), of the aforesaid act be*  
6 *amended to read as follows:*

§ 7. Said State Superintendent shall, on or before the *first day of November* preced-  
2 *ing each regular session of the General Assembly, report to the Governor the condition*  
3 *of the schools in the several counties of the State, the whole number of schools which*  
4 *have been taught in each county in each of the preceding years, commencing on the*  
5 *first of July; what part in said number have been taught by males exclusively, and*  
6 *what part by females exclusively; what part of said whole number have been taught*  
7 *by males and females at the same time, and what part by males and females at dif-*  
8 *ferent periods; the number of scholars in attendance at said schools; the number of*  
9 *persons in each county under twenty-one years of age, and the number of such per-*  
10 *sons between the ages of twelve and twenty-one years that are unable to read and*  
11 *write; the amount of township and county funds; the amount of the interest of*  
12 *the State or common school fund, and of the interest of the township*  
13 *and the county fund annually paid out; the amount raised by an ad valorem*

14 tax; the whole amount annually expended for schools; the number for school houses,  
 15 their kind and condition; the number of townships and parts of townships in each  
 16 county; the number and description of books and apparatus purchased for the use of  
 17 schools and school libraries under the provisions of this act, the price paid for the same,  
 18 and total amount purchased, and what quantity and how distributed; and the number  
 19 and condition of the libraries, together with such other information and suggestions as  
 20 he may deem important in relation to the school laws, schools, and the means of promot-  
 21 ing education throughout the State; which report shall be laid before the General  
 22 Assembly at each regular session.

§ 14. The said superintendent shall provide three well bound books, which shall be  
 2 paid for from the county treasury. These books shall be known and designated by  
 3 the letters A, B, C, for the following purpose: In book A, he shall record, at length,  
 4 all petitions presented to him for the sale of common school lands, and the plans and  
 5 certificates of valuation made by or under the direction of the trustees of schools, and  
 6 the affidavits in relation to the same. In book B, he shall keep an account of all sales  
 7 of common school lands; which account shall contain the date of sale, name of pur-  
 8 chaser, description of land sold, and the sum sold for. In book C, he shall keep a  
 9 regular account of all moneys received for lands sold, or otherwise, and loaned or paid  
 10 out; the person of whom received, and on what account, and showing whether it is  
 11 principal or interest; the person to whom loaned, the time for which the loan was  
 12 made, the rate of interest, the names of the securities when personal security is taken,  
 13 or, if real estate is taken as security, a description of said real estate, and if paid out, to  
 14 whom, when, and on what account, and the amount paid out, the list of sales and the  
 15 accounts of each township and to be kept separate. The county superintendent shall  
 16 report in writing to the county board, at their regular meeting in September each year,  
 17 giving first, the balance on hand at the time of the last report, and a statement in detail  
 18 of all receipts since that date, and the sources from which they were derived; second,  
 19 the amount paid for expenses; third, the amount of his commissions; fourth, the  
 20 amount distributed to each of the township treasurers in his county; fifth, any balances  
 21 on hand. He shall also present for inspection at the same time his books and all notes  
 22 or other evidences of indebtedness which he holds officially with the securities for the

23 same; and he shall give in writing a statement of the condition of the county fund and  
 24 of any township funds of which he may have the custody.

§ 17. On or before the fifteenth day of August before each regular session of the  
 2 General Assembly, or annually, if so required by the State superintendent, the county  
 3 superintendent shall communicate to said State superintendent all such information and  
 4 statistics upon the subject of schools in his county as the said State superintendent is  
 5 bound to embody in his report to the Governor, and such other information as the  
 6 State superintendent shall require; and any county superintendent so failing or refus-  
 7 ing to report, shall be liable to removal by the county board for such neglect of duty.

§ 20. It shall be the duty of the county superintendent, if so directed by the county  
 2 board, to visit, at least once in each year, every school in his county, and to note the  
 3 methods of instruction, the branches taught, the text books used, and the discipline,  
 4 government and general condition of the schools. He shall give such directions in the  
 5 science, art and methods of teaching as he may deem expedient and necessary, and shall  
 6 be the official adviser and constant assistant of the school officers and teachers of his  
 7 county, and shall faithfully carry out the advice and instruction of the State superin-  
 8 tendent. He shall encourage the formation and assist in the management of county  
 9 teachers' institutes, and labor in every practicable way to ~~elevate the standard~~ of teach-  
 10 ing and improve the condition of the common schools of his county. In all controver-  
 11 sies arising under the school law, the opinion and advice of the county superintendent  
 12 shall first be sought, whence appeal may be taken, to the State superinten-  
 13 dent, upon a written statement of facts, certified by the county superintendent.  
 14 He shall, at least once each year, examine all books, accounts, and vouchers of each  
 15 township treasurer in his county; and if he find any irregularities in them, he shall at  
 16 once report the same in writing to the board of trustees, whose duty it shall be to take  
 17 immediately such action as the case demands. He shall also examine all notes, bonds,  
 18 and mortgages, and other evidences of indebtedness which the township treasurer  
 19 holds officially; and if he find that the papers are not in proper form, or that the se-  
 20 curities are, in his judgment, insufficient, he shall so state in writing to the board of  
 21 trustees, whose duty it shall be to take at once such action as is necessary to save and  
 22 protect the property of the districts and the townships; and for a failure or refusal to

23 take such action within thirty days after such notice, the members of the board, each  
 24 in his individual capacity, shall be liable to a fine of not less than twenty-five, nor more  
 25 than one hundred dollars, to be recovered before any justice of the peace, on informa-  
 26 tion in the name of the People of the State of Illinois, and when collected, to be paid  
 27 to the county superintendent of the proper county, for the use of schools; and the pay-  
 28 ment of this fine shall not relieve the board of trustees from their liability under the  
 29 seventy third section of this act.

§ 32. It shall be the duty of the board of trustees to hold regular semi-annual meet-  
 2 ings on the first Mondays of April and October, and special meetings may be held at  
 3 such other times as they may think proper. Special meetings of the board may be  
 4 called by the president or any two members thereof; and at all meetings, two members  
 5 of the board shall be a quorum for business. The board shall organize by appointing  
 6 one of their number president, and some person, who shall not be a director or trustee,  
 7 and who shall be a resident of the township, treasurer, if there be a vacancy in this office,  
 8 who shall be ex-officio clerk of the board. The president shall hold *his* office for one  
 9 year, and the treasurer for two years, and until their successors are appointed; but  
 10 either of said officers may be removed by the board for good cause. It shall be the duty  
 11 of the president to preside at the meetings of the board; and it shall be the duty of the  
 12 clerk to be present at all meetings of the board, and to record, in a book to  
 13 be provided for the purpose, all their official proceedings, which shall be a public  
 14 record, open to the inspection of any person interested therein; and all of said pro-  
 15 ceedings, when recorded, shall be signed by the president and clerk. If the president  
 16 or clerk shall be absent, or refuse to perform any of the duties of his office, at any meet-  
 17 ing of the board, a president or clerk, *pro tempore*, may be appointed.

§ 35. Pupils shall not be transferred from one district to another without the writ-  
 2 ten consent of a majority of the directors of both districts; which written permits shall  
 3 be delivered to and filed by the proper township treasurer, and shall be evidence of  
 4 such consent. A separate schedule shall be kept for each district, and in each schedule  
 5 shall be certified the proper amount due the teacher from that district, computed upon  
 6 the basis of the total number of days' attendance of all the scholars. If the district  
 7 from which the pupils are transferred is in the same township as the district in which

8 the school is taught, the directors of said district shall deliver the separate schedule to  
 9 their township treasurer, who shall credit the district in which the school was taught,  
 10 and charge the other districts with the respective amounts certified in said separate  
 11 schedules to be due. If pupils are transferred from a district of another township, the  
 12 schedule for that district shall be delivered to the directors thereof, who shall immedi-  
 13 ately draw an order on their treasurer, in favor of the treasurer of the township in  
 14 which the school was taught, for the amount certified to be due in said separate sched-  
 15 ule. When a school is composed in part of pupils transferred from other townships,  
 16 the duty of collecting the amount due on account of such pupils shall devolve upon  
 17 the directors. Upon petition of fifty voters of any school township, filed with the town-  
 18 ship treasurer at least fifteen days preceding a regular election of trustees, it shall be  
 19 the duty of said treasurer to notify the voters of the township that an election "For"  
 20 and "Against" a high school will be held at the next ensuing election of trustees, and  
 21 the ballots to such effect shall be received and canvassed at such election; and if a  
 22 majority of the votes at such election shall be found to be in favor of a high school, it  
 23 shall be the duty of the trustees of the township to establish, at some central point  
 24 most convenient for the majority of the pupils of the township, a high school, for the  
 25 education of the more advanced pupils. For the purpose of building a school house,  
 26 supporting the school, and other necessary expenses, the township shall be regarded  
 27 as a school district, and the trustees shall have the power and discharge the duties of  
 28 directors for such district in all respects: *Provided*, That in like manner the voters and  
 29 trustees of two or more adjoining townships, or parts of townships, may co-operate in  
 30 the establishment and maintenance of a high school, on such terms as they may, by  
 31 written agreement made by the board of trustees, enter into.

§ 36. The board of trustees of each township in this State shall prepare, or cause to  
 2 be prepared, by the township treasurer, the clerk of the board, the directors of the sev-  
 3 eral districts, or other person, and forward to the county superintendent of the county  
 4 in which the township lies, on or before the fifteenth of July preceding each regular  
 5 session of the General Assembly of this State, and at such other times as may be re-  
 6 quired by the county superintendent, or by the State superintendent of public instruction,  
 7 a statement exhibiting the condition of schools in their respective townships for the

8 preceding biennial period, giving separately each year, commencing on the first of *July*  
 9 and ending on the last of *June*; which statement shall be as follows :

10 First.—The whole number of schools which have been taught in each year; what  
 11 part of said number have been taught by males exclusively; what part have been  
 12 taught by females exclusively; what part of said whole number have been taught by  
 13 males and females at the same time, and what part by males and females at different  
 14 periods.

15 Second.—The whole number of scholars in attendance at all the schools, giving the  
 16 number of males and females separately.

17 Third.—The number of male and female teachers, giving each separately; the high-  
 18 est, lowest and average monthly compensation paid to male and female teachers, giv-  
 19 ing each item separately.

20 Fourth.—The number of persons under twenty-one years of age, making a separate  
 21 enumeration of those above the age of twelve years who are unable to read and write,  
 22 and the cause or causes of the neglect to educate them. \*

23 Fifth.—The amount of the principal of the township fund; the amount of the inter-  
 24 est on the township fund paid into the township treasury; the amount raised by *ad*  
 25 *valorem* tax, and the amount of such tax received into the township treasury, and the  
 26 amount of all other funds received into the township treasury.

27 Sixth.—Amount paid for teachers' wages; the amount paid for school house lots;  
 28 the amount paid for building, repairing, purchasing, renting and furnishing school  
 29 houses; the amount paid for school apparatus, for books and other incidental expenses  
 30 for the use of school libraries; the amount paid as compensation to township officers  
 31 and others

32 Seventh.—The whole amount of the receipts and expenditures for school purposes,  
 33 together with such other statistics and information in regard to schools as the state su-  
 34 perintendent or county superintendent may require. And any township from which  
 35 such report is not received in the manner and time required by law, shall forfeit its por-  
 36 tion of the public fund for the next ensuing year: *Provided*, That upon the recommen-  
 37 dation of the county superintendent, or for good and sufficient reasons, the State super-  
 38 intendent may remit such forfeiture.

§ 42. The annual election of school directors shall be on the first Saturday of April,

2 when one director shall be elected in each district, who shall hold his office for three  
 3 years, and until his successor is elected. In new districts the first election may be on  
 4 any Saturday, notice being given by the township treasurer, as for the election of trus-  
 5 tees, when three directors shall be elected, who shall, at their first meeting, draw lots  
 6 for their respective terms of office, for one, two and three years. When vacancies  
 7 occur, the remaining director or directors shall, without delay, order an election to fill  
 8 such vacancies, which election shall be held on Saturday. Notices of all elections in  
 9 organized districts shall be given by the directors, at least ten days previous to the day  
 10 of said election, Said notices shall be posted in at least three of the most public places  
 11 in the district, and shall specify the place where such election is to be held, the time of  
 12 opening and closing the polls, and the question or questions to be voted on. Should  
 13 the directors fail or refuse to order any regular or special election as aforesaid, it shall  
 14 be the duty of the township treasurer to order such election; and if he fails to do so,  
 15 then it shall be the duty of the county superintendent to order such election of direc-  
 16 tors within ten days, in each case of such failure or refusal; and the election held in  
 17 pursuance of such order shall be valid, the same as if ordered by the directors. Two of  
 18 the directors ordering the election shall act as judges, and one as clerk of said election.  
 19 But if said directors, or any of them, shall fail to order an election, to attend, or shall re-  
 20 fuse to act when present, and in unorganized districts, the legal voters, when assembled,  
 21 shall choose such additional number as may be necessary to act as two judges and a  
 22 clerk of said election: *Provided*, That if, upon the day appointed for said election, the  
 23 said directors or judges shall be of the opinion that, on account of the small attendance  
 24 of votes, the public good requires it, or if the voters present, or a majority of them,  
 25 shall desire it, they shall postpone said election until the next Saturday, at the same  
 26 place and hour, when the voters shall proceed as if it were not an adjourned meeting:  
 27 *And provided, also*, That if notice shall not have been given as above required, then said  
 28 election may be ordered as aforesaid, and holden on the third Saturday in April, or any  
 29 other Saturday, notice thereof being given as aforesaid. In case of a tie, the judges  
 30 shall decide it by lot on the day of election. The directors, within ten days after the  
 31 annual election of the directors, shall meet and organize by appointing one of their  
 32 number president and another of their number clerk, who shall keep a record of all the  
 33 official acts of the board, in a well bound book provided for the purpose, which record



34 shall be signed by the president and clerk, and shall be submitted to the township  
 35 treasurer for his inspection and approval, on the first Mondays of April and October,  
 36 and at such other times as the township treasurer may require. The board of direc-  
 37 tors shall hold regular meetings at such times as they shall designate; and they may  
 38 hold special meetings, as occasion may require, at the call of the president or any two  
 39 members, and no official business shall be transacted by the board except at a regular  
 40 or special meeting. If the president or clerk be absent from any meeting, or refuse to  
 41 perform their official duties, a president or clerk *pro tempore* shall be appointed. The  
 42 clerk of each board of school directors shall report to the township treasurer or *treasurers*  
 43 of the proper township or townships, immediately after the organization of the board,  
 44 the names of the president and clerk, and on or before the seventh of July, annually, such  
 45 statistics and other information in relation to the schools of their respective districts,  
 46 as the township treasurer is required to embody in his report to the county superinten-  
 47 dent, and the particular statistics to be so reported, shall be determined and designated  
 48 by the State superintendent of public instruction. At the annual election of director,  
 49 the directors shall make a detailed report of their receipts and expenditures to the  
 50 voters there present, a copy of which shall be transmitted to the township treasurer  
 51 within five days of the time of said election. They shall also report the number and  
 52 names of persons above the age of twelve years and under twenty-one, residing in the  
 53 district, who are unable to read and write, and the causes of the neglect to educate  
 54 them. Directors are authorized to use any funds belonging to their district, and not  
 55 otherwise appropriated, for the purchase of a suitable book for their records, and the  
 56 said records shall be kept in a punctual, orderly and reliable manner. They may also,  
 57 where they deem the amount of labor done sufficient to justify it, allow  
 58 out of such funds a compensation to said clerk for duties actually performed.  
 59 Within ten days after every election of directors the judges shall cause the poll book  
 60 to be delivered to the township treasurer, with a certificate thereon, showing the elec-  
 61 tion of said directors and names of the persons elected; which poll book shall be filed  
 62 by the township treasurer, and shall be evidence of said election. For failure to de-  
 63 liver said poll book within the time prescribed, the judges shall be liable to the same  
 64 penalty as is prescribed in section thirty, which penalty may be recovered in the same

65 manner as is provided in said section, and when collected, shall be added to the dis-  
 66 trict funds. If any trustee or director shall not be an inhabitant of the district of  
 67 township which he represents, an election shall be ordered to fill the vacancy; and no  
 68 person shall be at the same time a director and trustee, nor shall a director or trustee  
 69 be interested in any contract made by the board of which he is a member.

§ 43. For the purpose of establishing and supporting free schools for not less than one  
 2 hundred and ten days nor more than nine months in each year, and defraying all the ex-  
 3 penses of the same, of every description; for the purpose of repairing and improving school  
 4 houses; of procuring furniture, fuel, libraries and apparatus, and for all other necessary in-  
 5 cidental expenses, the directors of each district shall be authorized to levy a tax, annually,  
 6 upon all the taxable property of the district, not to exceed two per cent. for educational,  
 7 and three per cent. for building purposes, to be ascertained by the last assessment for state  
 8 and county taxes. They may also appropriate to the purchase of libraries and appar-  
 9 tus, any surplus funds, after all necessary school expenses are paid. And when any  
 10 school district shall own any personal property not needed for school purposes, the  
 11 directors of such district may sell such property at public or private sale, as in their  
 12 judgment will be for the best interest of the district, and the proceeds of such sale shall  
 13 be paid over to the treasurer of such districts for the benefits of said school district.

§ 44. The directors of each district shall ascertain, as near as practicable, annually,  
 2 how much money must be raised by special tax for school purposes during the ensuing  
 3 year, which amount shall be certified and returned to the township treasurer, on or be-  
 4 fore the first Tuesday of August, annually. The certificate of the directors may be in  
 5 the following form, viz:

6 "We hereby certify that we require the amount of \_\_\_\_\_ to be levied as a special  
 7 tax for school purposes, on the taxable property of our district, for the year 18 .

8 Given under our hands this \_\_\_\_\_ day of \_\_\_\_\_ 18 .

9 A. B. } Directors district No. \_\_\_\_\_, township  
 10 C. D. } No. \_\_\_\_\_, range No. \_\_\_\_\_, county  
 11 E. F. } \_\_\_\_\_ of \_\_\_\_\_, State of Illinois."

12 It shall be the duty of the township treasurer to return said certificates to the county  
 13 clerk on or before the second Monday of August; and whenever the boundaries of the

14 districts of the township shall have been changed, the township treasurer shall return  
 15 to the county clerk, with the certificates, a map of the township, showing such changes,  
 16 and certified as required in the thirty-third section of this act. When a district lies  
 17 partly in two or more counties, the directors shall determine and certify the amounts  
 8 to be levied on the taxable property lying in each county, and return the same to the  
 19 county treasurer, who shall return them to the respective county clerks, as hereinbefore  
 26 provided.

45. According to the amount certified as aforesaid, the said county clerk, when  
 2 making out the tax books for the collector, shall compute each taxable person's tax in  
 3 said district, upon the total amount of taxable property as equalized by the State Board  
 4 of Equalization for that year, lying and being in said district, whether belonging to  
 5 residents or non-residents, and also each and every tract of land assessed by the asse-  
 6 sor, which lies, or the largest part of which lies in said district. The said county clerk  
 7 shall cause each person's tax so computed to be set upon the tax book to be delivered  
 8 to the collector for that year, in a separate column, against each tax payer's name or  
 9 parcel of taxable property, as it appears in said collector's book, to be collected in the  
 10 same manner and at the same time, and by the persons, as state and county taxes are  
 11 collected. It shall be the duty of assessors, when making assessments of personal prop-  
 12 erty to designate the number of the school district in which each person so assessed re-  
 13 sides; which designation shall be made by writing the number of such district opposite  
 14 each person's assessment of personal property, in a column provided for that purpose in  
 15 the assessment roll returned by the assessor to the county clerk. It shall be the duty of  
 16 the county clerk to copy said numbers of school districts, as returned by the assessor,  
 17 into the collector's book, and to extend the school tax on each person's assessment of  
 18 personal property according to the rate required by the amount designated by the direc-  
 19 tors of the school district in which such person resides. It is hereby made the duty of  
 20 the proper officers, in preparing blank books and notices for the use of assessors, to  
 21 provide columns and blanks for the use of assessors as above described. The computa-  
 22 tions of each person's tax, and the levy made by the clerk, as aforesaid, shall be final  
 23 and conclusive: *Provided*, that the rate shall be uniform, and shall not exceed that re-  
 24 quired by the amount certified by the board of directors; and the said county clerk,  
 25 before delivering the tax book to the collector, shall make out and send by mail to each

26 township treasurer of the respective townships in the county, a certificate of the amount  
 27 due each district, or fraction of a district in his township, of said tax, so levied and  
 28 placed upon the tax books, and on or before the first day of April next after the  
 29 delivery of the tax books containing the computation and levy of said taxes aforesaid, or  
 30 so soon thereafter as the township treasurer shall present the said certificate of the  
 31 amount of said tax, and make a demand therefor, the said collector shall pay to said  
 32 township treasurer the full amount of said tax so certified by the county clerk, or in  
 33 case any part thereof remains uncollected, said collector shall, in addition to the amount  
 34 collected, deliver to said township treasurer a statement of the uncollected taxes for each  
 35 district of such township, taking of the township treasurer his receipt therefor, which  
 36 receipt shall be evidence, as well in favor of the collector as against the township treas-  
 37 urer; and said treasurer shall enter the amount collected in his books, under the proper  
 38 heads, and pay the same out as provided for by this act. When a district is composed  
 39 of parts of two or more townships, the directors shall determine and inform the collec-  
 40 tor in writing under their hands as directors which of the treasurers of the townships  
 41 from which their district is formed shall demand and receive the tax money collected by  
 42 the county collector as aforesaid.

§ 47. For the purpose of building school houses, or purchasing school sites, or for  
 2 repairing and improving the same, the directors, by a vote of the people, at an election  
 3 called and conducted as required in the forty-second section of this act (a majority of  
 4 the votes cast shall be necessary to authorize the directors to act), may borrow money,  
 5 issuing bonds executed by the officers, or at least two members of the board, in sums of  
 6 not less than one hundred dollars; but the rate of interest shall not exceed eight per  
 7 cent, nor shall the sum borrowed in any one year, exceed five per cent (including pre-  
 8 vious indebtedness) of the taxable property of the district, to be ascertained by the last  
 9 assessment for the State and county taxes previous to the incurring of such indebted-  
 10 ness, nor shall the tax levied in any one year for building school houses, exceed three  
 11 per cent of said taxable property, except to pay indebtedness contracted previous to the  
 12 passage of this act.

§ 48. The directors of each district are hereby declared a body politic and corpor-  
 2 ate, by the name of "School Directors of District No.     , Township No.     , County

3 of , and State of Illinois," and by that name may sue and be sued in all courts  
4 and places whatever. Two directors shall be a quorum for business. The directors  
5 shall be liable as directors for the balance due teachers, and for all debts contracted.  
6 They shall establish and keep in operation, for at least one hundred and ten days of  
7 actual teaching in each year, without reduction by reason of closing schools upon legal  
8 holidays, or for any other cause, and longer if practicable, a sufficient number of free  
9 schools for the accommodation of all children in the district over the  
10 age of six and under twenty-one years, and shall secure to all such children the  
11 right and opportunity to an equal education in such free schools. They  
12 shall adopt and enforce all necessary rules and regulations for the management  
13 and government of the schools, and shall visit and inspect the same, from time to time,  
14 as the good of the schools may require. They shall appoint all teachers, fix the amount  
15 of their salaries, and may dismiss them for incompetency, cruelty, negligence, immo-  
16 rality, or other sufficient cause. They shall have power to assign pupils to the several  
17 schools. They shall direct what branches of study shall be taught, and what text  
18 books and apparatus shall be used in the several schools, and strictly enforce uniformity  
19 of text books therein, but shall not permit text books to be changed oftener than once  
20 in four years. They may suspend or expel pupils for incorrigibly bad conduct, and no  
21 action shall lie against them for such expulsion or suspension; and may provide, that  
22 children under twelve (12) years of age shall not be confined in school more than four  
23 hours daily. It shall not be lawful for a board of directors to purchase or locate a  
24 school house site, or to purchase, build, or move a school house, or to levy a tax to ex-  
25 tend schools beyond nine months, without a vote of the people at an election called  
26 and conducted as required in the forty-second section of this act; a majority of the  
27 votes cast shall be necessary to authorize the directors to act: *Provided*, that if no one  
28 locality shall receive a majority of all the votes cast at such election, the directors may,  
29 if in their judgment the public interests require it, proceed to select a suitable school  
30 house site; and the site so chosen by them, shall, in such case, be legal and valid, the  
31 same as if it had been determined by a majority of the votes cast: and the site so  
32 selected by either of the methods above provided, shall be the school house site for  
33 such district; and said district shall have the right to take the same for the purpose of

24 a school house site, either with or without the owners consent; and in case the com-  
 35 pensation to be paid for such site cannot, for any reason, be agreed upon or determined  
 86 between the school directors and the parties interested in the land taken for such site,  
 37 then it shall be the duty of the directors of such district to proceed to have such com-  
 38 pensation determined in the manner which may be, at the time provided by law for the  
 39 exercise of the right of eminent domain.

§ 51. It shall be the duty of county superintendents to hold meetings at least quart-  
 2 erly, and oftener if necessary, for the examination of teachers, on such days and at such  
 3 places in the respective counties as will, in their opinion, accommodate the greatest  
 4 number of persons desiring such examination. Notice of such meetings shall be pub-  
 5 lished a sufficient length of time, in at least one newspaper of general circulation, the  
 6 expense of such publication to be paid out of the school fund. The county superinten-  
 7 dent shall, in no case, exact or receive any fee for certificates.

§ 52. No teacher shall be entitled to any portion of the common school or township  
 2 fund, or other public fund, or be employed to teach any school under the control of  
 3 any board of directors of any school district in this State, who shall not at the time of  
 4 employment, have a certificate of qualification, obtained under the provisions of this act,  
 5 entitling him to teach during the entire term of his contract; nor shall any teacher be  
 6 paid any portion of the school or public fund aforesaid, unless he shall have kept and  
 7 furnished schedules as herein directed, and shall have satisfactorily accounted for the  
 8 books, apparatus and other property of the district that he may have taken in charge.

§ 53. Teachers shall make schedules of the names of all scholars under twenty-one  
 2 years of age, attending their schools, in the form prescribed by this act; and when  
 3 scholars reside in two or more districts, townships or counties, separate schedules shall  
 4 be kept for each district, township or county; and the absence or presence of every  
 5 scholar shall be set down under the proper date, and opposite the name, on every day,  
 6 that school is open; and the absence of a school shall be signified by a blank—the pres-  
 7 ence by a mark. The schedule to be made and returned by the teacher shall be as near  
 8 as circumstances will permit, in the following form, viz:

**SCHEDULE** of a common school kept by A. B., at \_\_\_\_\_, district number \_\_\_\_\_  
 in township number \_\_\_\_\_, range \_\_\_\_\_, of the \_\_\_\_\_ principal mer-  
 idian, in the county of \_\_\_\_\_, in the State of Illinois:

Names.		Age.	Names and ages of scholars attending my school, and residing in district number _____, in township _____, north, range west, in _____ county.																								Total number of days each scholar.	
			1874.	Monday.	Tuesday.	Wednesday.	Thursday.	Friday.	Monday.	Tuesday.	Wednesday.	Thursday.	Friday.	Monday.	Tuesday.	Wednesday.	Thursday.	Friday.	Monday.	Tuesday.	Wednesday.	Thursday.	Friday.	Monday.	Tuesday.	Wednesday.		Thursday.
John Smith . . . . .	10		1			1	1	1	1	1		1	1					1	1	1	1		1	1	1	1	1	15
Isaac Meslier . . . . .	18			1			1	1	1	1	1	1	1				1	1				1	1					11
Sarah Danforth . . . . .	16		1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	20
Mary Newman . . . . .	19		1	1	1	1	1	1	1	1	1	1	1	1			1	1	1	1	1	1	1	1	1	1	1	19

Grand total number of days ..... 6

	Males.	Females.	Total.
Number of scholars .....	2	2	4

Average daily attendance ..... 32

9 And said teacher shall add up and set down the whole number of days' attendance of  
 10 each scholar, and add up said whole numbers, and make out the grand total number of  
 11 days' attendance. He shall also note the whole number of scholars, giving the males  
 12 and females separately; the average daily attendance; and shall set the age of each  
 13 pupil, opposite the name of said pupil, as in the form above prescribed, and shall attach  
 14 thereto his certificate, which shall be in the following form, viz:

15 "I certify that the foregoing schedule of scholars attending my school, as therein  
 16 named, and residing as specified in said schedule, to the best of my knowledge and be-  
 17 lief, is correct.

18 A. B., Teacher."

19 When the teacher shall have completed his or her schedule or schedules, as above re-  
 20 quired, he or she shall deliver it to some one of the directors, who shall give the teacher  
 21 a receipt for the same; and it shall be the duty of said director, in connection with one  
 22 other director of the board, to carefully examine such schedule or schedules, and after  
 23 correcting all errors, if they shall find such schedule to have been kept according to law,  
 24 they shall certify to the same as near as practicable, in the following form, viz :

25 STATE OF ILLINOIS, } ss:  
 26 \_\_\_\_\_ COUNTY.

27 We, the undersigned, directors of \_\_\_\_\_ in township number \_\_\_\_\_, range  
 28 number \_\_\_\_\_ in the county aforesaid, certify that we have examined the foregoing  
 29 schedule and find the same to be correct, and that the school was conducted according  
 30 to law, that there is now due said C. D., teacher, as per contract, sum of \_\_\_\_\_ dol-  
 31 lars \_\_\_\_\_ cents, for which an order is issued bearing even date with this certifi-  
 32 cate, and that the said teacher has a legal certificate of good moral character, and of  
 33 qualification to teach a common school, (or of such a grade as the case may be), and  
 34 that the property of the district in charge of such teacher has been satisfactorily ac-  
 35 counted for.

36 Witness our hands this \_\_\_\_\_ day of \_\_\_\_\_ 18 .

37 \_\_\_\_\_ }  
 38 \_\_\_\_\_ } Directors.  
 39 \_\_\_\_\_ }

39 Teachers' wages are hereby declared due and payable monthly; and upon certifying  
 40 to the schedule as aforesaid, the directors shall at once make out and deliver to the  
 41 teacher an order upon the township treasurer for the amount named in the schedule;  
 42 which order shall state the rate at which the teacher is paid according to his contract,  
 43 the limits of the time for which the order pays, and that the directors have duly certi-



44 filed a schedule covering this time. But it shall not be lawful for the directors to draw  
 45 an order until they have duly certified to the schedule; nor shall it be lawful for the  
 46 directors after the date for filing schedules in April and October, to certify any schedule  
 47 that covers any time prior to such date, nor to draw any order upon the township  
 48 treasurer in favor of any teacher for the time covered by such schedule. If any order  
 49 drawn for the payment of a teacher is presented to the township treasurer for payment,  
 50 and is not paid for want of funds, the treasurer shall make a written statement over his  
 51 signature by an endorsement upon such order with date showing such presentation and  
 52 non-payment, and shall make and keep a record of such endorsement. Such order  
 53 shall thereafter draw interest at the rate of eight per cent. per annum until paid or  
 54 until the treasurer shall in writing notify the clerk of the board of directors that he has  
 55 funds to pay such order; and of said notice the treasurer shall make and keep a record;  
 56 and after giving such notice, he shall hold the funds necessary to pay such order until  
 57 it is presented for payment.

§ 54. Schedules made and certified as aforesaid, shall, at least two days before the first  
 2 Monday in April and October, be delivered by the director to the township treasurer; and  
 3 the directors shall be personally liable to the teacher and the district for any losses sus-  
 4 tained by either by their failure to examine and deliver to the township treasurer all  
 5 schedules in the time fixed by law. The school month shall be the same as the calen-  
 6 dar month; but teachers shall not be required to teach upon Saturdays, legal holidays--  
 7 those being New Years, Fourth of July and Christmas--and thanksgiving and fast days  
 8 appointed by the National or State authority; nor shall they be required to make up  
 9 the time lost by closing school upon such days or upon such special holidays as may be  
 10 granted the schools by the board of directors.

§ 55. The township treasurer, appointed by the board of trustees, shall, before en-  
 2 tering upon his duties, execute a bond, with two or more freeholders, who shall not be  
 3 members of the board, as securities, payable to the board of the township for which he  
 4 is appointed treasurer, with a sufficient penalty to cover all liabilities which may be in-  
 5 curred, conditioned faithfully to perform all the duties of township treasurer, in town-

6 ship, range, in county, according to law. The bond shall be approved by  
 7 at least a majority of the board, and shall be delivered by one of the trustees, to the  
 8 county superintendent of the proper county. And in all cases where such treasurer  
 9 aforesaid is to have the custody of all bonds, mortgages, moneys and effects denom-  
 10 inated principal, and belonging to the township for which he is appointed treasurer,  
 11 the penalty of said treasurer's bond shall be twice the amount of said bonds, notes,  
 12 mortgages, moneys and effects. The penalty of said bond shall be increased from  
 13 time to time, as the increase of the amount of notes, bonds, mortgages and effects may  
 14 require, and whenever in the judgment of the trustees or county superintendent, the  
 15 security is insufficient. Any every township treasurer appointed subsequent to the first,  
 16 as herein provided, shall execute bond with security, as is required of the first treasu-  
 17 rer. The bond required in this section shall be in the following form, viz:

18 STATE OF ILLINOIS, }  
 19 .....COUNTY. } SS:

20 Know all men by these presents, that we, A. B., C. D. and E. F. are held and firmly  
 21 bound, jointly and severally, unto the board of in said county, in the penal  
 22 sum of dollars, for the payment of which we bind ourselves, our heirs, execu-  
 23 tors and administrators, firmly by these presents.

24 In witness whereof, we have hereunto set our hands and seals this day  
 25 of, A. D. 18 .

26 The condition of the above obligation is such, that if the above obligation is such,  
 27 that if the above bounden A. B. township treasurer of township, range  
 28, in the county aforesaid, shall faithfully discharge all the duties of said  
 29 office according to the laws which now are or may hereafter be in force, and shall de-  
 30 liver to his successor in office all moneys, books, papers, securities and property in his  
 31 hands as such township treasurer, then this obligation to be void; otherwise to remain  
 32 in full force and virtue.

33 Approved and accepted by

34 G. H. }  
 35 I. J. } Trustees.  
 36 K. L. }

A. B. [SEAL].  
 C. D. [SEAL].  
 E. F. [SEAL].

§ 57. Township treasurers shall loan, upon the following conditions, all moneys which shall come to their hands by virtue of their office, except such as may be subject to distribution. The rate of interest shall not be less than six per cent., nor more than eight per cent. per annum, payable half yearly in advance; the rate of interest to be determined by a majority of the township trustees, at any regular or special meeting of their board. No loans shall be made for less than six months, or more than five years. For all sums not exceeding one hundred dollars, loaned for not more than one year, two responsible sureties shall be given; for all sums over one hundred dollars, and for all loans for more than one year, security shall be given by mortgage on real estate, unincumbered, in value double the amount loaned, with a condition that in case additional security shall at any time be required, the same shall be given to the satisfaction of the board of trustees for the time being: *Provided*, that nothing herein shall prevent the loaning of township funds to boards of school directors, taking bonds therefor, as provided in section forty-seven of this act. Notes, bonds, mortgages and other securities taken for money or other property, due or to become due to the board of trustees for the township, shall be payable to the said board by their corporate name; and in such name suits, actions and complaints, and every description of legal proceedings may be had for the recovery of money, the breach of contracts, and for every legal liability which may at any time arise or exist, or upon which a right of action shall accrue to the use of this corporation: *Provided*, however, That notes, bonds, mortgages and other securities in which the name of the county superintendent or of the trustees of schools are inserted, shall be valid to all intents and purposes; and suit shall be brought in the name of the board of trustees as aforesaid. The wife of the mortgagor (if he has one) shall join in the mortgage given to secure the payment of money loaned by virtue of the provisions of this act. Where there is a surplus of funds in the treasurer's hands belonging to any school district, he may loan the same for the use and benefit of said district, upon the written request of the directors of such district, and not otherwise; and all such loans shall be on the same conditions as are prescribed in this section for the loaning of township funds.

§ 63. On the first Mondays of April and October, of every year, the township treasurer shall lay before the board of trustees a statement showing the amount of interest, rents, issues and profits that have accrued or become due since their last regular

4 half yearly meeting, on the township lands and township funds, and also the amount  
 5 of State and county fund interest on hand. He shall also lay before the said trustees  
 6 all books, notes, bonds, mortgages and all other evidences of indebtedness belonging to  
 7 the township, for the examination of the trustees, and shall make such other statement  
 8 as the board may require touching the duties of his office. He shall make out, annual-  
 9 ly, and present to the board of trustees at their meeting succeeding the annual election,  
 10 a complete exhibit of the fiscal affairs of the township and of the several districts or  
 11 parts of districts in the township, showing the receipts of moneys, and the sources  
 12 from which they have been derived, and the deficit and delinquencies, if there be any,  
 13 and there cause, as well as a classified statement of moneys paid out, and amount of  
 14 obligations remaining unpaid. And he shall on the fourth Monday of March and the  
 15 first Monday of October in each year make out for each district or part of district in  
 16 the township, a statement or exhibit of the exact condition of the account of such dis-  
 17 trict or part of district; which statement or exhibit shall show the balance at the time  
 18 of making the last exhibit and the amount received since up to the time of making the  
 19 exhibit and when and from what source received; it shall also show the amount paid  
 20 out during the same time, to whom paid and for what purpose; it shall be balanced and  
 21 balance shown. The exhibit shall be subscribed and sworn to by the treasurer before  
 22 any officer authorized to administer an oath, and shall then, by the treasurer be, with-  
 23 out delay, delivered or transmitted by mail, to the clerk of the board of directors of  
 24 the proper district, and it shall be the duty of said clerk upon receiving such exhibit,  
 25 to enter the same upon the records of the district; and at the next annual election of  
 26 director thereafter, the directors shall cause such exhibit to be reported to the voters  
 27 there present: Provided, That the first exhibit, made under the requirements of this  
 28 act, shall be made on the first Monday of October, 1879, and shall commence with the  
 29 balance on the first Monday in April 1879. And for a failure on the  
 30 part of the treasurer, clerk of any board of directors, or any director to comply  
 31 with any of the requirements of this section, required of him, he shall be liable to  
 32 penalty of not less than five nor more than fifty dollars, to be recovered before any

33 justice of the peace of the county in which the offense is committed: *Provided further,*  
 34 That it shall be the duty of said treasurer to comply with any demand the said trustees  
 35 may make as to the verification of any balance reported to be on hand."

§ 67. School funds collected from special taxes, levied by order of school directors,  
 2 or from the sale of property belonging to any district, shall be paid out on the order of  
 3 the proper board of directors; and all other moneys and school funds, liable to distri-  
 4 bution, paid into the township treasury, or coming into the hands of the township treas-  
 5 urer, shall, after said funds have been apportioned by the township trustees, as required  
 6 in section thirty-four of this act, be paid out only on the order of the proper board of  
 7 directors, signed by the president and clerk of said board, or by a majority of such  
 8 board. But when a district is composed of parts of two or more townships the town-  
 9 ship treasurer or treasurers who do not receive the tax money of said district, shall,  
 10 when they hold any funds belonging to said district, notify the directors thereof of the  
 11 amount of such funds; and the directors shall thereupon give the treasurer who receives  
 12 the tax money of said district an order for such funds, and upon receipt thereof he shall  
 13 hold them to be paid out as aforesaid. For all payments made, receipts shall be taken  
 14 and filed. In all such orders shall be stated the purpose for which, or on what account  
 15 drawn. Said orders may be in the following form, viz:

16 The treasurer of \_\_\_\_\_, township No. \_\_\_\_\_, range No. \_\_\_\_\_, in \_\_\_\_\_ county,  
 17 will pay to \_\_\_\_\_, or bearer \_\_\_\_\_ dollars and \_\_\_\_\_ cents (on his contract for  
 18 repairing school house, or whatever the purpose may be).

19 By order of the board of directors of district No. \_\_\_\_\_, in said township.

20 \_\_\_\_\_ A. B., President.

21 \_\_\_\_\_ C. D., Clerk.

22 Which order, together with the receipt of the person to whom paid, shall be filed in  
 23 the office of the township treasurer: Provided, That when an order is paid in full, such  
 24 order, if properly endorsed by the person in whose favor it was drawn, and his assigns,  
 25 if any, or by the person to whom paid, if drawn payable to bearer, shall be a sufficient  
 26 receipt for the purposes of this section.

1. Introduced by Mr. Davis March 5, 1879, and ordered to first reading.
2. First reading March 8, and referred to Committee on Education and Educational Institutions.
3. Reported back, passage recommended, and ordered to second reading March 14.
4. April 7, second reading, amended
5. April 17, amended and ordered to third reading.

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## A BILL

For an Act to amend an act entitled "An Act to establish and maintain a system of Free Schools," approved April 1, 1872, and section forty-seven (47) of said act, as amended by an act approved May 11, 1877.

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SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That sections seven (7), fourteen (14), seventeen (17), twenty (20), thirty-two (32), thirty five (35), thirty six (36), forty two (42), forty-three (43), forty-four (44), forty five (45), forty-seven (47) as amended, forty-eight (48), fifty-one (51), fifty-two (52), fifty three (53), fifty four (54), fifty-five (55), fifty-seven (57), sixty-three (63), sixty-seven (67) and seventy nine (79), of the aforesaid act, be amended to read as follows:

§ 7. Said State Superintendent shall, on or before the first day of November preceding each regular session of the General Assembly, report to the Governor the condition of the schools in the several counties of the State, the whole number of schools which have been taught in each county in each of the preceding years, commencing on the first of July; what part in said number have been taught by males exclusively, and what part by females exclusively; what part of said whole number have been taught by males and females at the same time, and what part by males and females at different periods; the number of scholars in attendance at said schools; the number of persons in each county under twenty-one years of age, and the number of such persons between the ages of twelve and twenty-one years that are unable to read and

11 write; the amount of township and county funds; the amount of the interest of  
12 the State or common school fund, and of the interest of the township  
13 and the county land annually paid out; the amount raised by an *ad valorem*  
14 tax; the whole amount annually expended for schools; the number of school houses,  
15 their kind and condition; the number of townships and parts of townships in each  
16 county; the number and description of books and apparatus purchased for the use of  
17 schools and school libraries under the provisions of this act, the price paid for the same,  
18 and total amount purchased, and what quantity and how distributed; and the number  
19 and condition of the libraries, together with such other information and suggestions as  
20 he may deem important in relation to the school laws, schools, and the means of promot-  
21 ing education throughout the State; which report shall be laid before the General  
22 Assembly at each regular session.

§ 14. The said superintendent shall provide three well bound books, which shall be  
2 paid for from the county treasury. These books shall be known and designated by  
3 the letters A, B, C, for the following purpose: In book A, he shall record, at length,  
4 all petitions, presented to him for the sale of common school lands, and the plats and  
5 certificates of valuation made by or under the direction of the trustees of schools, and  
6 the affidavits in relation to the same. In book B, he shall keep an account of all sales  
7 of common school lands; which account shall contain the date of sale, name of pur-  
8 chaser, description of land sold, and the sum sold for. In book C, he shall keep a  
9 regular account of all moneys received for lands sold, or otherwise, and loaned or paid  
10 out; the person of whom received, and on what account, and showing whether it is  
11 principal or interest, the person to whom loaned, the time for which the loan was  
12 made, the rate of interest, the names of the securities when personal security is taken  
13 or, if real estate is taken as security, a description of said real estate, and if paid out, to  
14 whom, when and on what account, and the amount paid out, the list of sales and the  
15 accounts of each township fund to be kept separate. The county superintendent shall  
16 report in writing to the county board, at their regular meeting in September each year,  
17 giving first, the balance on hand at the time of the last report, and a statement in detail  
18 of all receipts since that date, and the sources from which they were derived; second,  
19 the amount paid for expenses; third, the amount of his commissions; fourth, the  
20 amount distributed to each of the township treasurers in his county; fifth, any balances

21 on hand. He shall also present for inspection at the same time his books and all notes  
22 or other evidences of indebtedness which he holds officially with the securities of the  
23 same; and he shall give in writing a statement of the condition of the county fund and  
24 of any township funds of which he may have the custody.

§ 17. On or before the fifteenth day of August before each regular session of the  
2 General Assembly, or annually, if so required by the State superintendent, the county  
3 superintendent shall communicate to said State superintendent all such information and  
4 statistics upon the subject of schools in his county as the said State superintendent is  
5 bound to embody in his report to the Governor, and such other information as the  
6 State superintendent shall require; and any county superintendent so failing or refus-  
7 ing to report, shall be liable to removal by the county board for such neglect of duty.

§ 20. It shall be the duty of the county superintendent, if so directed by the county  
2 board, to visit, at least once in each year, every school in his county, and to note the  
3 methods of instruction, the branches taught, the text books used, and the discipline,  
4 government and general condition of the schools. He shall give such directions in the  
5 science, art and methods of teaching as he may deem expedient and necessary, and shall  
6 be the official adviser and constant assistant of the school officers and teachers of his  
7 county, and shall faithfully carry out the advice and instruction of the State superin-  
8 tendent. He shall encourage the formation and assist in the management of county  
9 teachers' institutes, and labor in every practicable way to elevate the standard of  
10 teaching and improve the condition of the common schools of his county. In all con-  
11 troversies arising under the school law, the opinion and advice of the county superin-  
12 tendent shall first be sought, whence appeal may be taken, to the State superinten-  
13 dent, upon a written statement of facts, certified by the county superintendent. He  
14 shall, at least once each year, examine all books, accounts and vouchers of each  
15 township treasurer in his county; and if he find any irregularities in them, he shall  
16 at once report the same in writing to the board of trustees, whose duty it shall be to  
17 take immediately such action as the case demands. He shall also examine all notes,  
18 bonds, and mortgages, and other evidences of indebtedness which the township  
19 treasurer holds officially; and if he find that the papers are not in proper form,  
20 or that the securities are insufficient, he shall so state in writing to the board of  
21 trustees, whose duty it shall be to take at once such action as is necessary to save and



22 protect the property of the districts and the townships; and for a failure or refusal to  
23 take such action within twenty days after such notice, the members of the board, each  
24 in his individual capacity, shall be liable to a fine of not less than twenty-five, (\$25) nor  
25 more than one hundred dollars, (\$100) to be recovered before any justice of the peace,  
26 on information in the name of the People of the State of Illinois, *Provided*, such in-  
27 sufficiency is proven and when collected, to be paid to the county superintendent of the  
28 proper county, for the use of schools; and the payment of this fine shall not re-  
29 lieve the board of trustees from their liability under the seventy-third (73) section of  
30 this act.

§ 32. It shall be the duty of the board of trustees to hold regular semi-annual  
2 meetings on the first Mondays of April and October, and special meetings may be held  
3 at such other times as they may think proper. Special meetings of the board may be  
4 called by the president or any two members thereof; and at all meetings, two mem-  
5 bers of the board shall be a quorum for business. Within ten  
6 days after the annual election of trustees the board shall or-  
7 ganize by appointing one of their number president, and some person, who shall not  
8 be a director or trustee, and who shall be a resident of the  
9 township, treasurer, if there be a vacancy in his office, who shall be  
10 ex-officio clerk of the board. The president shall hold *his* office for one  
11 year, and the treasurer for two years, and until their successors are appointed; but  
12 either of said officers may be removed by the board for good cause. It shall be the duty  
13 of the president to preside at the meetings of the board; and it shall be the duty of the  
14 clerk to be present at all meetings of the board, and to record, in a book to  
15 be provided for the purpose, all their official proceedings, which shall be a public  
16 record, open to the inspection of any person interested therein; and all of said pro-  
17 ceedings, when recorded, shall be signed by the president and clerk. If the president  
18 or clerk shall be absent, or refuse to perform any of the duties of his office, at any  
19 meeting of the board, a president or clerk, *pro tempore*, may be appointed.

§ 25. Pupils shall not be transferred from one district to another without the writ-  
2 ten consent of a majority of the directors of both districts; which written permits shall  
3 be delivered to and filed by the proper township treasurer, and shall be evidence of  
4 such consent. A separate schedule shall be kept for each district, and in each schedule

5 shall be certified the proper amount due the teacher from that district, computed upon  
6 the basis of the total number of days' attendance of all the schedules. If the district  
7 from which the pupils are transferred is in the same township as the district in which  
8 the school is taught, the directors of said district shall deliver the separate schedule to  
9 their township treasurer, who shall credit the district in which the school was taught,  
10 and charge the other districts with the respective amounts certified in said separate  
11 schedules to be due. If pupils are transferred from a district of another township, the  
12 schedule for that district shall be delivered to the directors thereof, who shall immedi-  
13 ately draw an order on their treasurer, in favor of the treasurer of the township in  
14 which the school was taught, for the amount certified to be due in said separate sched-  
15 ular. When a school is composed in part of pupils transferred from other townships,  
16 the duty of collecting the amount due on account of such pupils shall devolve upon  
17 the directors. Upon petition of fifty voters of any school township, filed with the town-  
18 ship treasurer at least fifteen days preceding a regular election of trustees, it shall be  
19 the duty of said treasurer to notify the voters of the township that an election "For"  
20 and "Against" a high school will be held at the next ensuing election of trustees, and  
21 the ballots to such effect shall be received and canvassed at such election; and if a  
22 majority of the voter at such election shall be found to be in favor of a high school, it  
23 shall be the duty of the trustees of the township to establish, at some central point  
24 most convenient for the majority of the pupils of the township, a high school, for the  
25 education of the more advanced pupils. For the purpose of building a school house  
26 supporting the school, and other necessary expenses, the township shall be regarded  
27 as a school district, and the trustees shall have the power and discharge the duties of  
28 directors for such district in all respects; *Provided*, that in like manner the voters and  
29 trustees of two or more adjoining townships, or parts of townships, may co-operate in  
30 the establishment and maintenance of a high school, on such terms as they may, by  
31 written agreement made by the board of trustees, enter into: *And, provided, further*,  
32 that whenever any township or parts of townships shall have organized a high school  
33 and wish to discontinue the same, upon petition of fifty voters of said township, or  
34 parts of townships, filed with the township treasurer at least fifteen (15) days preced-  
35 ing a general election of trustees, it shall be the duty of said treasurer to notify the

36 voters of the township that an election will be held to discontinue the high school at  
37 the next ensuing election of trustees, and the ballots cast "for" or "against" the con-  
38 tinuance of the high school shall be received and canvassed at such election, and if a  
39 majority of the votes at such election shall be found against continuing the high  
40 school, it shall be the duty of the trustees to discontinue the same, and turn all the  
41 assets of the high school over to the school fund of such township to be used as any  
42 other township fund for school purposes.

§ 36. The board of trustees of each township in this State shall prepare, or cause to  
2 be prepared, by the township treasurer, the clerk of the board, the directors of the sev-  
3 eral districts, or other person, and forward to the county superintendent of the county  
4 in which the township lies, on or before the fifteenth day of July preceding each regular  
5 session of the General Assembly of this State, and at such other times as may be re-  
6 quired by the county superintendent, or by the State Superintendent of Public Instruction,  
7 a statement exhibiting the condition of schools in their respective townships for the  
8 preceding biennial period, giving separately each year, commencing on the first of July  
9 and ending on the last of June; which statement shall be as follows:

10 First.—The whole number of schools which have been taught in each year; what  
11 part of said number have been taught by males exclusively; what part have been  
12 taught by females exclusively; what part of said whole number have been taught by  
13 males and females at the same time, and what part by males and females at different  
14 periods.

15 Second.—The whole number of scholars in attendance at all the schools, giving the  
16 number of males and females separately.

17 Third.—The number of male and female teachers, giving each separately; the highest,  
18 lowest and average monthly compensation paid to male and female teachers, giving  
19 each item separately.

20 Fourth.—The number of persons under twenty-one years of age, making a separate  
21 enumeration of those above the age of twelve years who are unable to read and write,  
22 and the cause or causes of the neglect to educate them.

23 Fifth.—The amount of the principal of the township fund; the amount of the inter-  
24 est on the township fund paid into the township treasury; the amount raised by ad

25 value tax, and the amount of such tax received into the township treasury, and the  
26 amount of all other funds received into the township treasury.

27 Sixth. —Amount paid for teachers' wages; the amount paid for school house lots;  
28 the amount paid for building, repairing, purchasing, renting and furnishing school  
29 houses; the amount paid for school apparatus, for books and other incidental expenses  
30 for the use of school libraries; the amount paid as compensation to township officers  
31 and others.

32 Seventh. —The whole amount of the receipts and expenditures for school purposes,  
33 together with such other statistics and information in regard to schools as the state su-  
34 perintendent or county superintendent may require. And any township from which  
35 such report is not received in the manner and time required by law, shall forfeit its por-  
36 tion of the public fund for the next ensuing year: *Provided*, that upon the recommenda-  
37 tion of the county superintendent, or for good and sufficient reasons, the State superin-  
38 tendent may remit such forfeiture.

§ 42. The annual election of school directors shall be on the first Saturday of April,  
2 when one director shall be elected in each district, who shall hold his office for three  
3 years and until his successor is elected. In new districts the first election may be on any  
4 Saturday, notice being given by the township treasurer, as for the election of trustees,  
5 when three directors shall be elected, who shall, at their first meeting draw lots for  
6 their respective terms of office, for one two and three years. When vacancies oc-  
7 cur the remaining director or directors shall, without delay, order an election to fill  
8 such vacancies, which election shall be held on Saturday. Notices of all elections in  
9 organized districts shall be given by the directors, at least ten days previous to the day  
10 of said election. Said notices shall be posted in at least three of the most public places  
11 in the district, and shall specify the place where such election is to be held, the time of  
12 opening and closing the polls, and the question or questions to be voted on. Should  
13 the directors fail or refuse to order any regular or special election as aforesaid, it shall  
14 be the duty of the township treasurer to order such election; and if he fails to do so,  
15 then it shall be the duty of the county superintendent to order such election of direc-  
16 tors within ten days, in each case of such failure or refusal; and the election held in  
17 of pursuance of such order shall be valid, the same as if ordered by the directors. Two  
18 the directors ordering the election shall act as judges, and one as clerk of said election.

18 that if said directors, or any of them, shall fail to order an election, to attend, or re-  
19 fuse to act when present, and in unorganized districts, the legal voters, when assembled  
20 shall choose such additional number as may be necessary to act as two judges and a  
21 clerk of said election: *Provided*, that if, upon the day appointed for said election, the  
22 said directors or judges shall be of the opinion that, on account of the small attendance  
23 of voters, the public good requires it, or if the voters present, or a majority of them,  
24 shall desire it, they shall postpone said election until the next Saturday, at the same  
25 place and hour, when the voters shall proceed as if it were not an adjourned meeting:  
26 *And provided, also*, that if notice shall not have been given as above required, then said  
27 election may be ordered as aforesaid, and holden on the third Saturday in April, or any  
28 other Saturday, notice thereof being given as aforesaid. In case of a tie, the judges  
29 shall decide it by lot on the day of election. The directors, within ten days after the  
30 annual election of the directors, shall meet and organize by appointing one of their  
31 number president and another of their number clerk, who shall keep a record of all the  
32 official acts of the board, in a well bound book provided for the purpose, which record  
33 shall be signed by the president and clerk, and shall be submitted to the township  
34 treasurer for his inspection and approval, on the first Mondays of April and October,  
35 and at such other times as the township treasurer may require. The board of direc-  
36 tors shall hold regular meetings at such times as they shall designate; and they may  
37 hold special meetings, as occasion may require, at the call of the president or any two  
38 members, and no official business shall be transacted by the board except at a regular  
39 or special meeting. If the president or clerk be absent from any meeting, or refuse to  
40 perform his official duties, a president or clerk *pro tempore* shall be appointed. The  
41 clerk of each board of school directors shall report to the township treasurer or treasurers  
42 of the proper township or townships, immediately after the organization of the board,  
43 the names of the president and clerk, and on or before the seventh of July, annually, such  
44 statistics and other information in relation to the schools of their respective districts,  
45 as the township treasurer is required to embody in his report to the county superinten-  
46 dent, and the particular statistics to be so reported, shall be determined and designated  
47 by the State superintendent of public instruction. At the annual election of director,  
48 the directors shall make a detailed report of their receipts and expenditures to the  
49 voters there present, a copy of which shall be transmitted to the township treasurer

51 within a few days after the close of said election. They shall also report the number and  
 52 names of persons above the age of twelve years and under twenty-one, residing in the  
 53 district, who are unable to read and write, and the causes of the neglect to educate  
 54 them. Directors are authorized to use any funds belonging to their district, and not  
 55 otherwise appropriated, for the purchase of a suitable book for their records, and the  
 56 said records shall be kept in a punctual, orderly and reliable manner. They may, also  
 57 where they deem the amount of labor done sufficient to justify it, allow out of such  
 58 funds a compensation to said clerk for duties actually performed. Within ten days  
 59 after every election of directors the judges shall cause the poll book to be delivered to  
 60 the township treasurer, with a certificate thereon, showing the election of said direc-  
 61 tors and names of the persons elected; which poll book shall be filed by the township  
 62 treasurer, and shall be evidence of said election. In the case of a union district made  
 63 up of parts of two or more townships the poll book shall be returned to the township  
 64 treasurer who receives the money of said district. For failure to deliver said poll book  
 65 within the time prescribed, the judges shall be liable to the same penalty as is pre-  
 66 scribed in section thirty (30), which penalty may be recovered in the same manner as a  
 67 provided in said section, and when collected shall be added to the district funds. If  
 68 any trustee or director shall not be an inhabitant of the district or township which he  
 69 represents, at election shall be ordered to fill the vacancy, and no person shall be at the  
 70 same time a director and trustee, nor shall a director or trustee be interested in any  
 71 contract made by the board of which he is a member.

§ 43. For the purpose of establishing and supporting free schools for not less than  
 2 five nor more than nine months in each year, and defraying all the expenses of the  
 3 same, of every description; for the purpose of repairing and improving school houses;  
 4 of procuring furniture, fuel, libraries and apparatus, and for all other necessary inci-  
 5 dental expenses, in each district, village or city anything in any special charter to the  
 6 contrary notwithstanding there shall be authorized to be levied a tax annually, upon  
 7 all the taxable property of the district, nor to exceed two per cent. for educational, and  
 8 three per cent. for building purposes, to be ascertained by the last assessment for state  
 9 and county taxes. They may also appropriate to the purchase of libraries and appa-  
 10 ratus, any surplus funds, after all necessary school expenses are paid. And when any  
 11 school district shall own any personal property not needed for school purposes, the

12 directors of such district may sell such property at public or private sale, as in their  
 13 judgment will be for the best interest of the district, and the proceeds of such sale  
 14 shall be paid over to the treasurer of such district for the benefit of said school district.

§ 44. The directors of each district shall ascertain, as near as practicable, annually,  
 2 how much money must be raised by special tax for school purposes during the ensuing  
 3 year, which amount shall be certified and returned to the township treasurer, on or be-  
 4 fore the first Tuesday of August, annually. The certificate of the directors may be in  
 5 the following form, viz:

6 "We hereby certify that we require the amount of                      to be levied as a special  
 7 tax for school purposes, on the taxable property of our district, for the year 18    .

8 Given under our hand this                      day of                      18    .

9                      A. B. } Directors district No.                      , township  
 10                      C. D. } No.                      , range No.                      county  
 11                      E. F. } of                      , State of Illinois."

12 It shall be the duty of the township treasurer to return said certificates to the county  
 13 clerk on or before the second Monday of August; and whenever the boundaries of the  
 14 districts of the township shall have been changed, the township treasurer shall return  
 15 to the county clerk, with the certificates, a map of the township showing such changes,  
 16 and certified as required in the thirty-third section of this act. When a district lies  
 17 partly in two or more counties, the directors shall determine and certify the amounts  
 18 to be levied on the taxable property lying in each county, and return the same to the  
 19 county treasurer, who shall return them to the respective county clerks, as hereinbefore  
 20 provided.

§ 45. According to the amount certified as aforesaid, the said county clerk, when  
 2 making out the tax books for the collector, shall compute each taxable person's tax in  
 3 said district, upon the total amount of taxable property as equalized by the State Board  
 4 of Equalization for that year, lying and being in said district, whether belonging to  
 5 residents or non-residents, and also each and every tract of land assessed by the assessor,  
 6 which lies, or the largest part of which lies in said district. The said county clerk  
 7 shall cause each person's tax so computed to be set upon the tax book to be delivered  
 8 to the collector for that year, in a separate column, against each tax payer's name or  
 9 parcel of taxable property, as it appears in said collector's book, to be collected in the

10 same manner and at the same time, and by the persons, as state and county taxes are  
 11 collected. It shall be the duty of assessors, when making assessments of personal prop-  
 12 erty, to designate the number of the school district in which each person so assessed re-  
 13 sides; which designation shall be made by writing the number of such district opposite  
 14 each person's assessment of personal property, in a column provided for that purpose in  
 15 the assessment roll returned by the assessor to the county clerk. It shall be the duty of  
 16 the county clerk to copy said numbers of school districts, as returned by the assessor,  
 17 into the collector's book, and to extend the school tax on each person's assessment of  
 18 personal property according to the rate required by the amount designated by the direc-  
 19 tors of the school district in which such person resides. It is hereby made the duty of  
 20 the proper officers, in preparing blank books and notices for the use of assessors, to  
 21 provide columns and blanks for the use of assessors as above described. The computa-  
 22 tions of each person's tax, and the levy made by the clerk, as aforesaid, shall be final  
 23 and conclusive: *Provided*, that the rate shall be uniform, and shall not exceed that re-  
 24 quired by the amount certified by the board of directors; and the said county clerk,  
 25 before delivering the tax book to the collector, shall make out and send by mail to each  
 26 township treasurer of the respective townships in the county, a certificate of the amount  
 27 due each district, or fraction of a district in his township, of said tax, so levied and  
 28 placed upon the tax books, and on or before the first day of April next after the de-  
 29 livery of the tax books containing the computation and levy of said taxes aforesaid, or  
 30 as soon thereafter as the township treasurer shall present the said certificate of the  
 31 amount of said tax, and make a demand therefor, the said collector shall pay to said  
 32 township treasurer the full amount of said tax so certified by the county clerk, or in  
 33 case any part thereof remains uncollected, said collector shall, in addition to the amount  
 34 collected, deliver to said township treasurer a statement of the uncollected taxes for each  
 35 district of said township, taking of the township treasurer his receipt therefor, which  
 36 receipt shall be evidence, as well in favor of the collector as against the township treas-  
 37 urer; and said treasurer shall enter the amount collected in his books, under the proper  
 38 heads, and pay the same out as provided for by this act. When a district is composed  
 39 of parts of two or more townships, the directors shall determine and inform the  
 40 collectors of said township and the collector or collectors of the county or counties in  
 41 which said townships lie in writing under their hands as directors which of the treasurers



of the townships from which their district is formed shall demand and receive the tax money collected by the county collector as aforesaid.

§ 47. For the purpose of building school houses, or purchasing school sites, or for repairing and improving the same, the directors, by a vote of the people, at an election called and conducted as required in the forty second (42) section of this act, a majority of the votes cast shall be necessary to authorize the directors to act; may borrow money issuing bonds executed by the officers, or at least two members of the board, in sum of not less than one hundred dollars (\$100); but the rate of interest shall not exceed eight per cent., nor shall the sum borrowed in any one year exceed five per cent. (including existing indebtedness) of the taxable property of the district, to be ascertained by the last assessment for the State and county taxes previous to the incurring of such indebtedness, nor shall the tax levied in any one year for building school houses exceed three per cent. of said taxable property, except to pay indebtedness contracted previous to the passage of this act. All bonds authorized to be issued by virtue of the power granted by this act, before being so issued, negotiated and sold, shall be registered, numbered and countersigned by the school treasurer of the township wherein the school house of such district is or is to be located. Such register shall be made in a "bond register" book to be kept for that purpose, and in this register shall first be entered the record of the election authorizing the directors to borrow money, and then a description of the bonds issued by virtue of such authority as to number, date, to whom issued, amount, rate of interest, and when due. All moneys borrowed under authority granted by this section shall be paid into the school treasury of the township wherein the bonds issued therefor are required to be registered; and, upon receiving said moneys, the treasurer shall deliver the bond or bonds issued therefor to the parties entitled to receive the same, and shall credit the funds received to the district issuing the bonds, and enter in the "bond register" the exact amount received for each and every bond issued, and, when any such bonds are paid, the township treasurer shall cancel the same, and shall enter in the "bond register," against the record of such bonds, the words "paid and canceled this                      day of                      A. D.                      ," filling the blanks with the day, month and year corresponding with the date of such payment.

§ 48. The directors of each district are hereby declared a body politic and corporate by the name of "School Directors of District No.                      , Township No.                      , County of

3       , and State of Illinois," and by that name may sue and be sued in all courts and  
 4 places whatever. Two directors shall be a quorum for business. The directors shall be  
 5 liable as directors for the balance due teachers, and for all debts legally contracted.  
 6 They shall establish and keep in operation, for at least one hundred and ten days of  
 7 actual teaching in each year, without reduction by reason of closing schools upon legal  
 8 holidays, or for any other cause, and longer if practicable, a sufficient number of free  
 9 schools for the accommodation of all children in the district over the  
 10 age of six and under twenty-one years, and shall secure to all such children the  
 11 right and opportunity to an equal education in such free schools.  
 12 They shall adopt and enforce all necessary rules and regulations for the management  
 13 and government of the schools, and shall visit and inspect the same, from time to time,  
 14 as the good of the schools may require. They shall appoint all teachers, fix the amount  
 15 of their salaries, and may dismiss them for incompetency, cruelty, negligence, immo-  
 16 rality, or other sufficient cause. They shall have power to assign pupils to the several  
 17 schools. They shall direct what branches of study shall be taught, and what text  
 18 books and apparatus shall be used in the several schools, and strictly enforce uniformity  
 19 of text books therein, but shall not permit text books to be changed oftener than once  
 20 in four years. They may suspend or expel pupils for incorrigibly bad conduct, and no  
 21 action shall lie against them for such expulsion or suspension: and may provide, that  
 22 children under twelve (12) years of age shall not be confined in school more than four  
 23 hours daily. It shall not be lawful for a board of directors to purchase or locate a  
 24 school house site, or to purchase, build, or move a school house, or to levy a tax to ex-  
 25 tend schools beyond nine months, without a vote of the people at an election called  
 26 and conducted as required in the forty-second section of this act; a majority of the  
 27 votes cast shall be necessary to authorize the directors to act: *Provided*, that if no one  
 28 locality shall receive a majority of all the votes cast at such election, the directors may,  
 29 if in their judgment the public interest require it, proceed to select a suitable school  
 30 house site; and the site so chosen by them, shall, in such case, be legal and valid, the  
 31 same as if it had been determined by a majority of the votes cast; and the site so  
 32 selected by either of the methods above provided, shall be the school house site for  
 33 such district; and said district shall have the right to take the same for the purpose of  
 34 a school house site, either with or without the owner's consent; and in case the com-

35 pension to be paid for such site cannot, for any reason, be agreed upon or determined  
 36 between the school directors and the parties interested in the land taken for such site,  
 37 then it shall be the duty of the directors of such district to proceed to have such com-  
 38 pension determined in the manner which may be at the time provided by law for the  
 39 exercise of the right of eminent domain.

§ 51. It shall be the duty of the county superintendents to hold meetings at least  
 2 quarterly, and oftener if necessary, for the examination of teachers, on such days and at  
 3 such places in the respective counties as will, in their opinion, accommodate the greatest  
 4 number of persons desiring such examination. Notice of such meetings shall be pub-  
 5 lished a sufficient length of time, in at least one newspaper of general circulation, the  
 6 expense of such publication to be paid out of the school fund. The county superinten-  
 7 dent shall, in no case, exact or receive any fee for certificates.

§ 52. No teacher shall be entitled to any portion of the common school or township  
 2 fund, or other public fund, or be employed to teach any school under the control of  
 3 any board of directors of any school district in this State, who shall not, at the time of  
 4 his employment, have a certificate of qualification, obtained under the provisions of this  
 5 act, entitling him to teach during the entire term of his contract, nor shall any teacher  
 6 be paid any portion of the school or public fund aforesaid, unless he shall have kept and  
 7 furnished schedules as herein directed, and shall have satisfactorily accounted for the  
 8 books, apparatus and other property of the district that he may have taken in charge.

§ 53. Teachers shall make schedules of the names of all scholars under twenty-one  
 2 years of age attending their schools, in the form prescribed by this act; and when  
 3 scholars reside in two or more districts, townships or counties, separate schedules shall  
 4 be kept for each district, township or county; and the absence or presence of every  
 5 scholar shall be set down under the proper date, and opposite the name, on every day  
 6 that school is open; and the absence of a scholar shall be signified by a blank—the  
 7 presence by a mark. The schedule to be made and returned by the teacher shall be as  
 8 near as circumstances will permit, in the following form, viz:

SCHEDULE of a common school kept by A. B., at \_\_\_\_\_, in district number \_\_\_\_\_  
 in township number \_\_\_\_\_, range \_\_\_\_\_, of the \_\_\_\_\_ principal mer-  
 idian, in the county of \_\_\_\_\_, in the State of Illinois:

Names.	Age.	1874.	Names and ages of scholars attending my school, and residing in district number _____, in township _____, north, range _____, west, in _____ county.																												Total number of days each scholar.
			Monday.	Tuesday.	Wednesday.	Thursday.	Friday.	Monday.	Tuesday.	Wednesday.	Thursday.	Friday.	Monday.	Tuesday.	Wednesday.	Thursday.	Friday.	Monday.	Tuesday.	Wednesday.	Thursday.	Friday.	Monday.	Tuesday.	Wednesday.	Thursday.	Friday.				
			January 15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	February 1	2	3	4	5	6	7	8	9			
John Smith . . . . .	10		1			1	1	1	1	1		1	1		1	1		1	1	1	1	1	1	1	1	1	15				
Isaac Meslier . . . . .	12			1			1	1	1	1	1	1	1		1	1		1	1			1	1				11				
Sarah Danforth . . . . .	16		1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	20				
Mary Newman . . . . .	19		1	1	1	1		1	1	1	1	1	1	1		1	1	1	1	1	1	1	1	1	1	1	18				
Grand total number of days . . . . .																											65				
																														Males. Females. Total.	
Number of scholars . . . . .																															2 2 4
Average daily attendance . . . . .																															32

9 And said teacher shall add up and set down the whole number of days' attendance of  
 10 each scholar, and add up said whole numbers, and make out the grand total number of  
 11 days' attendance. He shall also note the whole number of scholars, giving the males  
 12 and females separately; the average daily attendance; and shall set the age of each  
 13 pupil, opposite the name of said pupil, as in form above prescribed, and shall attach  
 14 thereto his certificate, which shall be in the following form, viz:

15 "I certify that the foregoing schedule of scholars attending my school, as therein  
 16 named, and residing as specified in said schedule, to the best of my knowledge and be-  
 17 lief, is correct.

18 A. B., Teacher."

19 When the teacher shall have completed his or her schedule or schedules, as above re-  
 20 quired, he or she shall deliver it to some one of the directors, who shall give the teacher  
 21 a receipt for the same; and it shall be the duty of said director, in connection with one  
 22 other director of the board, to carefully examine such schedule or schedules, and after  
 23 correcting all errors, if they shall find such schedule to have been kept according to law,  
 24 they shall certify to the same as near as practicable, in the following form, viz:

25 STATE OF ILLINOIS, }  
 26 COUNTY. } SS:

27 We, the undersigned, directors of . . . . . in township number . . . . . , range  
 28 number . . . . . in the county aforesaid, certify that we have examined the foregoing  
 29 schedule and find the same to be correct, and that the school was conducted according  
 30 to law, that there is now due said C. D., teacher, as per contract, the sum of . . . . . dol-  
 31 lars . . . . . cents, for which an order is issued bearing even date with this certi-  
 32 cate, and that the said teacher has a legal certificate of . . . . . grade, and  
 33 that the property of the district in charge of such teacher has been satisfactorily  
 34 accounted for.

35 Witness our hands this . . . . . day of . . . . . 18 .

36 . . . . . }  
 37 . . . . . } Directors.  
 38 . . . . . }

39 Teachers' wages are hereby declared due and payable monthly; and upon certifying  
 40 to the schedule as aforesaid, the directors shall at once make out and deliver to the  
 41 teacher an order upon the township treasurer for the amount named in the schedule;  
 42 which order shall state the rate at which the teacher is paid according to his contract,  
 43 the limits of the time for which the order pays, and that the directors have duly certi-  
 44 fied a schedule covering this time. But it shall not be lawful for the directors to draw  
 45 an order until they have duly certified to the schedule; nor shall it be lawful for the  
 46 directors after the date for filing schedules in April and October, to certify any schedule

47 that covers any time prior to such dates, nor to draw an order upon the township  
 48 treasurer in favor of any teacher for the time covered by such schedule. If any order  
 49 drawn for the payment of a teacher is presented to the township treasurer for payment  
 50 and is not paid for want of funds, the treasurer shall make a written statement over his  
 51 signature by an endorsement upon such order with date showing such presentation and  
 52 non payment, and shall make and keep a record of such endorsement. Such order  
 53 shall thereafter draw interest at the rate of eight per cent. per annum until paid or  
 54 until the treasurer shall in writing notify the clerk of the board of directors that he has  
 55 funds to pay such order; and of said notice the treasurer shall make and keep a record;  
 56 and after giving such notice, he shall hold the funds necessary to pay such order until  
 57 it is presented for payment. And such order shall draw no interest after the giving  
 28 of said notice to said clerk of the board.

§ 54. Schedules made and certified as aforesaid shall, at least two days before the  
 2 first Monday in April and October, be delivered by the directors to the township treas-  
 3 urer; and the directors shall be personally liable to the teacher and the district for  
 4 any loss sustained by either by their failure to examine and deliver to the township  
 5 treasurer all schedules within the time fixed by law. The school month shall be the  
 6 same as the calendar month; but teachers shall not be required to teach upon Satur-  
 7 days, legal holidays those being New Years, Fourth of July and Christmas and  
 8 thanksgiving and fast days appointed by the National or State authority; nor shall they  
 9 be required to make up the time lost by closing school upon such days or upon such  
 10 special holidays as may be granted the schools by the board of directors.

§ 55. The township treasurer, appointed by the board of trustees, shall, before enter-  
 2 ing upon his duties, execute a bond, with two or more freeholders, who shall not be  
 3 members of the board, as securities, payable to the board of the township for which he  
 4 is appointed treasurer, with a sufficient penalty to cover all liabilities which may be in-  
 5 curred, conditioned faithfully to perform all the duties of township treasurer, in town-  
 6 ship , range , in county, according to law. The bond shall be approved by  
 7 at least a majority of the board, and shall be delivered by one of the trustees, to the  
 8 county superintendent of the proper county. And in all cases where such treasurer  
 9 aforesaid is to have the custody of all bonds, mortgages, moneys and effects denom-  
 10 inated principal, and belonging to the township for which he is appointed treasurer,

the penalty of said treasurer's bond shall be twice the amount of said bonds, notes, mortgages, moneys and effects and shall provide for the faithful accounting for and turning over of all such bonds, notes, mortgages, moneys and effects as shall come into his hands while he may act as such treasurer under such appointment, to his successor when appointed and qualified as herein provided by giving bond. The penalty of said bond shall be increased from time to time, as the increase of the amount of notes, bonds, mortgages and effects may require, and whenever in the judgment of the trustees or county superintendent, the security is insufficient. Any and every township treasurer appointed subsequent to the first, as herein provided, shall execute bond with security, as is required of the first treasurer. The bond required in this section shall be in the following form, viz:

STATE OF ILLINOIS, } ss:  
 . . . . . COUNTY. }

Know all men by these presents, that we, A. B., C. D. and E. F., are held and firmly bound, jointly and severally, unto the board of trustees of township            range in said county, in the penal sum of            dollars, for the payment of which we bind ourselves, our heirs, executors and administrators, firmly by these presents.

In witness whereof, we have hereunto set our hands and seals this            day of            , A. D. 18    /

The condition of the above obligation is such that if the above bounden A. B., township treasurer of township            , range            , in the county aforesaid, shall faithfully discharge all the duties of said office according to the laws which now are or may hereafter be in force, and shall deliver to his successor in office, after such successor shall have fully qualified by giving bond as provided by law, all moneys, books, papers, securities and property which shall come into his hands or control, as such township treasurer, from the date of this bond up to the time that his successor shall have duly qualified as township treasurer by giving such bond as shall be required by law, then this obligation to be void; otherwise to remain in full force and virtue.

Approved and accepted by

G. H. }  
 I. J. } Trustees.  
 K. L. }

A. B. [SEAL]

C. D. [SEAL]

E. F. [SEAL]

§ 57. Township treasurers shall loan, upon the following conditions, all moneys  
 2 which shall come to their hands by virtue of their office, except such as may be subject  
 3 to distribution. The rate of interest shall not be less than six per cent., nor more than  
 4 eight per cent. per annum; the rate of interest to be determined by a  
 5 majority of the township trustees, at any regular or special meeting of their  
 6 board. No loans shall be made for less than six months, or more than five years.  
 7 For all sums not exceeding one hundred dollars, loaned for not more than one year, two  
 8 responsible sureties shall be given; for all sums over one hundred dollars, and for all  
 9 loans for more than one year, security shall be given by mortgage on real estate, unin-  
 10 combered, in value double the amount loaned, with a condition that in case additional  
 11 security shall at any time be required, the same shall be given to the satisfaction of the  
 12 board of trustees for the time being: *Provided*, that nothing herein shall prevent the  
 13 loaning of township funds to boards of school directors, taking  
 14 bonds, therefor, as provided in section forty-seven (47) of this act. Notes,  
 15 bonds, mortgages, and other securities taken for money or other property, due  
 16 or to become due to the board of trustees for the township, shall be payable to the said  
 17 board by their corporate name; and in such name suits, actions and complaints, and  
 18 every description of legal proceedings may be had for the recovery of money, the  
 19 breach of contracts, and for every legal liability which may at any time arise or exist,  
 20 or upon which a right of action shall accrue to the use of this corporation: *Provided*,  
 21 however, That notes, bonds, mortgages and other securities in which the name of the  
 22 county superintendent or of the trustees of schools are inserted, shall be valid to all in-  
 23 tents and purposes; and suit shall be brought in the name of the board of trustees as  
 24 aforesaid. The wife of the mortgagor (if he has one) shall join in the mortgage given  
 25 to secure the payment of money loaned by virtue of the provisions of this act. Where  
 26 there is a surplus of funds in the treasurer's hands belonging to any school district, he  
 27 may loan the same for the use and benefit of said district, upon the written request of  
 28 the directors of such district, and not otherwise; and all such loans shall be on the  
 29 same conditions as are prescribed in this section for the loaning of township funds.

§ 58. On the first Mondays of April and October, of every year, the township  
 2 treasurer shall lay before the board of trustees a statement showing the amount of in-  
 3 terests, rents, issues and profits that have accrued or become due since their last regular



4 half yearly meeting, on the township lands and township funds, and also the amount  
 5 of State and county fund interest on hand. He shall also lay before the said trustees  
 6 all books, notes, bonds, mortgages and all other evidences of indebtedness belonging to  
 7 the township, for the examination of the trustees, and shall make such other statement  
 8 as the board may require, touching the duties of his office. He shall make out, annual-  
 9 ly, and present to the board of trustees at their meeting succeeding the annual election,  
 10 a complete exhibit of the fiscal affairs of the township, and of the several districts or  
 11 parts of districts in the township, showing the receipts of moneys, and the sources  
 12 from which they have been derived, and the deficit and delinquencies, if there be any,  
 13 and the cause, as well as a classified statement of moneys paid out, and amount of  
 14 obligations remaining unpaid. And he shall, within two days after the first Monday of  
 15 April and of October in each year, make out, for each district or part of district in  
 16 the township, a statement or exhibit of the exact condition of the account of such dis-  
 17 trict or part of district; which statement or exhibit shall show the balance at the time  
 18 of making the last exhibit and the amount received since up to the time of making the  
 19 exhibit, and when and from what source received; it shall also show the amount paid  
 20 out during the same time, to whom paid and for what purpose; it shall be balanced and  
 21 balance shown. The exhibit shall be subscribed and sworn to by the treasurer before  
 22 any officer authorized to administer an oath, and shall then, by the treasurer, be, with-  
 23 out delay, delivered or transmitted by mail to the clerk of the board of directors of the  
 24 proper district, and it shall be the duty of said clerk, upon receiving such exhibit, to  
 25 enter the same upon the records of the district; and, at the next annual election of  
 26 director thereafter, the directors shall cause a copy of such exhibits to be posted up at  
 27 the front door where such election is held: *Provided*, that the first exhibit, made under  
 28 the requirements of this act, shall be made within two days after the first Monday of  
 29 October, 1879, and shall commence with the balance on the first Monday in April, 1879.  
 30 And for a failure on the part of the treasurer, clerk of any board of directors, or any  
 31 director, to comply with any of the requirements of this section required of him, he  
 32 shall be liable to penalty of not less than five dollars nor more than fifty dollars, to  
 33 be recovered before any justice of the peace of the county in which the offense is com-  
 34 mitted: *Provided further*, that it shall be the duty of said treasurer to comply with any

35 demand the said trustees may make as to the verification of any balance reported to be  
 36 on hand."

§ 67. School funds collected from special taxes levied by order of school directors,  
 3 or from the sale of property belonging to any district, shall be paid out on the order of  
 3 the proper board of directors; and all other moneys and school funds, liable to distri-  
 4 bution, paid into the township treasury, or coming into the hands of the township treas-  
 5 urer, shall, after said funds have been apportioned by the township trustees, as required  
 6 in section thirty-four (34) of this act, be paid out only on the order of the proper board  
 7 of directors, signed by the president and clerk of said board, or by a majority of such  
 8 board. But when a district is composed of parts of two or more townships the town-  
 9 ship treasurer or treasurers who do not receive the tax money of said district, shall,  
 10 when they hold any funds belonging to said district, notify the directors thereof of the  
 11 amount of such funds; and the directors shall thereupon give the treasurer who receives  
 12 the tax money of said district an order for such funds, and upon receipt thereof he shall  
 13 hold them to be paid out as aforesaid. For all payments made, receipts shall be taken  
 14 and filed. In all such orders shall be stated the purpose for which, or on what account  
 15 drawn. Said orders may be in the following form, viz:

16 The treasurer of , township No. , range No. , in county  
 17 will pay to , or bearer, dollars and cents (on his contract for  
 18 repairing school house, or whatever the purpose may be).

19 By order of the board of directors of district No. , in said township.

20 A. B., President.

21 C. D., Clerk.

22 Which order, together with the receipt of the person to whom paid, shall be filed in  
 23 the office of the township treasurer: *Provided*, that when an order is paid in full, such  
 24 order, if properly endorsed by the person in whose favor it was drawn, and his assigns,  
 25 if any, or by the person to whom paid, if drawn payable to bearer, shall be a sufficient  
 26 receipt for the purposes of this section.

§ 79. This act shall not be so construed as to repeat or change in any respect any  
 2 special acts in relation to schools in cities having less than one hundred thousand  
 3 inhabitants, or incorporated towns, townships or districts, except that it shall be the  
 4 duty of the several boards of education or other officers of any city or incorporated

5 town, township or district having in charge schools under the provisions of any of the  
 6 said special acts, or of any ordinance of any city or incorporated town, on or before the  
 7 fifteenth day of August preceding each regular session of the General Assembly of this  
 8 State, or annually, if required so to do by the State Superintendent, to make out and  
 9 render a statement of all such statistics and other information in regard to schools and  
 10 the enumeration of persons as is required to be communicated by township boards of  
 11 trustees or directors under the provisions of this act, or so much thereof as may be ap-  
 12 plicable to said city or incorporated town to the county superintendent  
 13 of the county where such city or incorporated town is situated,  
 14 or of the county in which the larger part of such city or town  
 15 is situated; nor shall it be lawful for the county superintendent or any other officer or  
 16 person to pay over any portion of the common school fund to any local treasurer, school  
 17 agent, clerk, board of education or other officer or person of any township, city or incorpo-  
 18 rated town, unless a report of the number of persons and other statistics relative to schools,  
 19 and a statement of such other information as is required of the board of trustees or di-  
 20 rectors as aforesaid, and of other school officers and teachers under the provisions  
 21 of this act shall have been filed at the time or times aforesaid, specified in this section,  
 22 and the superintendent of schools of the proper county, as aforesaid, it shall also be the  
 23 duty of the president, principal or other proper officer of every organized university,  
 24 college, seminary, academy, or other literary institution heretofore incorporated or  
 25 hereinafter to be incorporated in this State, to make out or cause to be made out and  
 26 forwarded to the office of the superintendent of public instruction on or before the first  
 27 Monday in November in each year, a report setting forth the amount and estimated  
 28 value of real estate owned by the corporation, the amount of other funds and endow-  
 29 ments, and the yearly income from all sources, the number of instructors, the number  
 30 of students in the different classes, the studies pursued and the books used, the course  
 31 of instruction, the terms of tuition and such other matters as may be specially requested  
 32 by said superintendent, or as may be deemed proper by the president or principal of  
 33 such institution, to enable the superintendent of public instruction to lay before the leg-  
 34 isature a fair and full exhibit of the affairs and conditions of said institutions and of  
 35 the educational resources of the State.

(In House.)

1. Reported to House May 1, 1879.
2. First reading May 5, and ordered to second reading.

## A BILL

For an act to amend an act entitled "An Act to establish and maintain a system of Free Schools," approved April 1, 1872, and section forty-seven (47) of said act, as amended by an act approved May 11, 1877.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General*

*Assembly, That sections seven (7), fourteen (14), seventeen (17), twenty (20), thirty-two (32), thirty-five (35), thirty-six (36), forty-two (42), forty-three (43), forty-four (44), forty-five (45), forty-seven (47) as amended, forty-eight (48), fifty-one (51), fifty-two (52), fifty-three (53), fifty-four (54), fifty-five (55), fifty-seven (57), sixty-three (63), sixty-seven (67) and seventy-nine, (79), of the aforesaid act, be amended to read as follows:*

§ 7. Said State Superintendent shall, on or before the first day of November preceding each regular session of the General Assembly, report to the Governor the condition of the schools in the several counties of the State, the whole number of schools which have been taught in each county in each of the preceding years, commencing on the first of July; what part of said whole number have been taught by males exclusively, and what part by females exclusively; what part of said whole number have been taught by males and females at the same time, and what part by males and females at different periods; the number of scholars in attendance at said schools; the number of persons in each county under twenty-one years of age, and the number of such persons between the ages of twelve and twenty-one years that are unable to read and

11 write; the amount of township and county funds; the amount of the interest of the  
 12 State or common school fund, and of the interest of the township and the county fund  
 13 annually paid out; the amount raised by an *ad valorem* tax; the whole amount annu-  
 14 ally expended for schools; the number of school houses, their kind and condition; the  
 15 number of townships and parts of townships in each county; the number and description  
 16 of books and apparatus purchased for the use of schools and school libraries under the  
 17 provisions of this act, the price paid for the same, and total amount purchased, and what  
 18 quantity and how distributed; and the number and condition of the libraries, together  
 19 with such other information and suggestions as he may deem important in relation to  
 20 the school laws, schools, and the means of promoting education throughout the State;  
 21 which report shall be laid before the General Assembly at each regular session.

§ 14. The said superintendent shall provide three well bound books, which shall be  
 2 paid for from the county treasury. These books shall be known and designated by  
 3 the letters A, B, C, for the following purpose: In book A, he shall record, at length,  
 4 all petitions presented to him for the sale of common school lands, and the plats and  
 5 certificates of valuation made by or under the direction of the trustees of schools, and  
 6 the affidavits in relation to the same. In book B he shall keep an account of all sales  
 7 of common school lands, which account shall contain the date of sale, name of pur-  
 8 chaser, description of land sold, and the sum sold for. In book C he shall keep a  
 9 regular account of all moneys received for lands sold, or otherwise, and loaned or paid  
 10 out; the person of whom received, and on what account, and showing whether it is  
 11 principal or interest; the person to whom loaned, the time for which the loan was  
 12 made, the rate of interest, the names of the securities when personal security is taken,  
 13 or, if real estate is taken as security, a description of said real estate, and if paid out, to  
 14 whom, when and on what account, and the amount paid out, the list of sales and the  
 15 accounts of each township fund to be kept separate. The county superintendent shall  
 16 report in writing to the county board, at their regular meeting in September each year,  
 17 giving first, the balance on hand at the time of the last report, and a statement in detail  
 18 of all receipts since that date, and the sources from which they were derived; second,  
 19 the amount paid for expenses; third, the amount of his commissions; fourth, the  
 20 amount distributed to each of the township treasurers in his county; fifth, any balances  
 21 on hand. He shall also present for inspection at the same time his books and all notes

24 or other evidences of indebtedness which he holds officially, with the securities for the  
 23 same; and he shall give in writing a statement of the condition of the county fund and  
 24 of any township funds of which he may have the custody.

§ 17. On or before the fifteenth day of August before each regular session of the  
 2 General Assembly, or annually, if so required by the State superintendent, the county  
 3 superintendent shall communicate to said State superintendent all such information and  
 4 statistics upon the subject of schools in his county as the said State superintendent is  
 5 bound to embody in his report to the Governor, and such other information as the State  
 6 superintendent shall require; and any county superintendent so failing or refusing to  
 7 report, shall be liable to removal by the county board for such neglect of duty.

§ 20. It shall be the duty of the county superintendent, if so directed by the county  
 2 board, to visit, at least once in each year, every school in his county, and to note the  
 3 methods of instruction, the branches taught, the text books used, and the discipline,  
 4 government and general condition of the schools. He shall give such directions in the  
 5 science, art and methods of teaching as he may deem expedient and necessary, and shall  
 6 be the official adviser and constant assistant of the school officers and teachers of his  
 7 county, and shall faithfully carry out the advice and instruction of the State superin-  
 8 tendent. He shall encourage the formation and assist in the management of county  
 9 teachers' institutes, and labor in every practicable way to elevate the standard of  
 10 teaching and improve the condition of the common schools of his county. In all con-  
 11 troversies arising under the school law, the opinion and advice of the county superin-  
 12 tendent shall first be sought, whence appeal may be taken to the State superintendent,  
 13 upon a written statement of facts, certified by the county superintendent. He shall,  
 14 at least once each year, examine all books, accounts and vouchers of each township  
 15 treasurer in his county; and if he find any irregularities in them, he shall at once  
 16 report the same, in writing, to the board of trustees, whose duty it shall be to take  
 17 immediately such action as the case demands. He shall also examine all notes, bonds  
 18 and mortgages, and other evidences of indebtedness which the township treasurer  
 19 holds officially; and if he find that the papers are not in proper form, or that the  
 20 securities are insufficient, he shall so state, in writing, to the board of trustees, whose  
 21 duty it shall be to take at once such action as is necessary to save and  
 22 protect the property of the districts and the townships; and for a failure or refusal to

23 take such action within twenty days after such notice, the members of the board, each  
24 in his individual capacity, shall be liable to a fine of not less than twenty-five dollars  
25 (\$25) nor more than one hundred dollars (\$100), to be recovered before any justice of  
26 the peace, on information in the name of the People of the State of Illinois: *Provided*,  
27 such insufficiency is proven, and, when collected, to be paid to the county superintendent  
28 of the proper county, for the use of schools; and the payment of this fine shall  
29 not relieve the board of trustees from their liability under the seventy-third (73) section  
30 of this act.

§ 24. It shall be the duty of the board of trustees to hold regular semi-annual meetings on the first Mondays of April and October, and special meeting may be held at such other times as they may think proper. Special meetings of the board may be called by the president or any two members thereof; and at all meetings, two members of the board shall be a quorum for business. Within ten days after the annual election of trustees the board shall organize by appointing one of their number president, and some person, who shall not be a director or trustee, and who shall be a resident of the township treasurer, if there be a vacancy in this office, who shall be ex-officio clerk of the board. The president shall hold his office for one year, and the treasurer for two years, and until their successors are appointed; but either of said officers may be removed by the board for good cause. It shall be the duty of the president to preside at the meetings of the board; and it shall be the duty of the clerk to be present at all meetings of the board, and to record, in a book to be provided for the purpose, all their official proceedings, which shall be a public record, open to the inspection of any person interested therein; and all of said proceedings, when recorded, shall be signed by the president and clerk. If the president or clerk, shall be absent, or refuse to perform any of the duties of his office, at any meeting of the board, a president or clerk, *pro tempore*, may be appointed.

§ 25. Pupils shall not be transferred from one district to another without the written consent of a majority of the directors of both districts; which written permits shall be delivered to and filed by the proper township treasurer, and shall be evidence of such consent. A separate schedule shall be kept for each district, and in each schedule shall be certified the proper amount due the teacher from that district, computed upon the basis of the total number of days' attendance of all the scholars. If the district

7 from which the pupils are transferred is in the same township as the district in which,  
 8 the school is taught, the directors of said district shall deliver the separate schedule to  
 9 their township treasurer, who shall credit the district in which the school was taught,  
 10 and charge the other districts with the respective amounts certified in said separate  
 11 schedules to be due. If pupils are transferred from a district of another township, the  
 12 schedule for that district shall be delivered to the directors thereof, who shall immedi-  
 13 ately draw an order on their treasurer, in favor of the treasurer of the township in  
 14 which the school was taught, for the amount certified to be due in said separate sched-  
 15 ule. When a school is composed in part of pupils transferred from other townships,  
 16 the duty of collecting the amount due on account of such pupils shall devolve upon  
 17 the directors. Upon petition of fifty voters of any school township, filed with the town-  
 18 ship treasurer at least fifteen days preceding a regular election of trustees, it shall be  
 19 the duty of said treasurer to notify the voters of the township that an election "For",  
 20 and "Against" a high school will be held at the next ensuing election of trustees, and  
 21 the ballots to such effect shall be received and canvassed at such election; and if a  
 22 majority of the voters at such election shall be found to be in favor of a high school, it  
 23 shall be the duty of the trustees of the township to establish, at some central point  
 24 most convenient for the majority of the pupils of the township, a high school for the  
 25 education of the more advanced pupils. For the purpose of building a school house,  
 26 supporting the school, and other necessary expenses, the township shall be regarded  
 27 as a school district, and the trustees shall have the power and discharge the duties of  
 28 directors for such district in all respects: *Provided*, that in like manner the voters and  
 29 trustees of two or more adjoining townships, or parts of townships, may co operate in  
 30 the establishment and maintenance of a high school, on such terms as they may, by  
 31 written agreement made by the board of trustees, enter into: *And provided further*,  
 32 that when any township or parts of townships shall have organized a high school  
 33 and wish to discontinue the same, upon petition of fifty voters of said township, or  
 34 parts of townships, filed with the township treasurer at least fifteen (15) days preced-  
 35 ing a regular election of trustees, it shall be the duty of said treasurer to notify the  
 36 voters of the township that an election will be held to discontinue the high school at  
 37 the next ensuing election of trustees, and the ballots cast "for" or "against" the con-  
 38 tinuance of the high school shall be received and canvassed at such election, and if a



majority of the votes at such election shall be found against continuing the high school, it shall be the duty of the trustees to discontinue the same, and turn all the assets of the high school over to the school fund of said township, to be used as any other township fund for school purposes.

§ 36. The board of trustees of each township in this State shall prepare, or cause to be prepared by the township treasurer, the clerk of the board, the directors of the several districts, or other person, and forwarded to the county superintendent of the county in which the township lies, on or before the fifteenth day of July preceeding each regular session of the General Assembly of this State, and at such other times as may be required by the county superintendent, or by the State Superintendent of Public Instruction, a statement exhibiting the condition of schools in their respective townships for the preceeding biennial period, giving separately each year, commencing on the first of July and ending on the last of June; which statement shall be as follows:

First.—The whole number of schools which have been taught in each year; what part of said number have been taught by males exclusively; what part have been taught by females exclusively; what part of said whole number have been taught by males and females at the same time, and what part by males and females at different periods.

Second.—The whole number of scholars in attendance at all the schools, giving the number of males and females separately.

Third.—The number of male and female teachers, giving each separately; the highest, lowest and average monthly compensation paid to male and female teachers, giving each item separately.

Fourth.—The number of persons under twenty-one years of age, making a separate enumeration of those above the age of twelve years who are unable to read and write, and the cause or causes of the neglect to educate them.

Fifth.—The amount of the principal of the township fund; the amount of the interest on the township fund paid into the township treasury; the amount raised by *ad valorem* tax, and the amount of such tax received into the township treasury, and the amount of all other funds received into the township treasury.

Sixth.—Amount paid for teachers' wages; the amount paid for school house lots; the amount paid for building, repairing, purchasing, renting and furnishing school houses; the amount paid for school apparatus, for books and other incidental expenses

29 for the use of school libraries; the amount paid as compensation to township officers  
30 and others.

31 Seventh.-- The whole amount of the receipts and expenditures for school purposes, to-  
32 gether with such other statistics and information in regard to schools as the state super-  
33 intendent or county superintendent may require. And any township from which such  
34 report is not received in the manner and time required by law, shall forfeit its portion  
35 of the public fund for the next ensuing year: *Provided*, that upon the recommendation  
36 of the county superintendent, or for good and sufficient reasons, the State superintend-  
37 ent may remit such forfeiture.

§ 42. The annual election of school directors shall be on the third Saturday of April,  
2 when one director shall be elected in each district, who shall hold his office for three  
3 years and until his successor is elected. In new districts the first election may be on any  
4 Saturday, notice being given by the township treasurer, as for the election of trustees,  
5 when three directors shall be elected, who shall, at their first meeting, draw lots for  
6 their respective terms of office, for one, two and three years. When vacancies occur  
7 the remaining director or directors shall, without delay, order an election to fill such  
8 vacancies, which election shall be held on Saturday. Notices of all elections in organ-  
9 ized districts shall be given by the directors, at least ten days previous to the day of  
10 said election. Said notices shall be posted in at least three of the most public places in  
11 the district, and shall specify the place where such election is to be held, the time of  
12 opening and closing the polls, and the question or questions to be voted on. Should the  
13 directors fail or refuse to order any regular or special election as aforesaid, it shall be  
14 the duty of the township treasurer to order such election; and if he fails to do so, then  
15 it shall be the duty of the county superintendent to order such election of directors  
16 within ten days, in each case of such failure or refusal; and the election held in pursu-  
17 ance of such order shall be valid, the same as if ordered by the directors. Two of the  
18 directors ordering the election shall act as judges, and one as clerk of said election.  
19 But if said directors, or any of them, shall fail to order an election, to attend, or re-  
20 fuse to act when present, and in unorganized districts, the legal voters, when assembled  
21 shall choose such additional number as may be necessary to act as two judges and a  
22 clerk of said election: *Provided*, that if, upon the day appointed for said election, the  
23 said directors or judges shall be of opinion that, on account of the small attendance

24 of voters, the public good requires it, or if the voters present, or a majority of them,  
 25 shall desire it, they shall postpone said election until the next Saturday, at the same  
 26 place and hour, when the voters shall proceed as if it were not an adjourned meeting:  
 27 And, *provided, also*, that if notice shall not have been given as above required, then said  
 28 election may be ordered as aforesaid, and holden on the third Saturday in April, or any  
 29 other Saturday, notice thereof being given as aforesaid. In case of a tie, the judges  
 30 shall decide it by lot on the day of election. The directors, within ten days after the  
 31 annual election of directors, shall meet and organize by appointing one of their  
 32 number president and another of their number clerk, who shall keep a record of all the  
 33 official acts of the board, in a well bound book provided for the purpose, which record  
 34 shall be signed by the president and clerk, and shall be submitted to the township  
 35 treasurer for his inspection and approval, on the first Mondays of April and October,  
 36 and at such other times as the township treasurer may require. The board of direc-  
 37 tors shall hold regular meetings at such times as they shall designate; and they may  
 38 hold special meetings, as occasion may require, at the call of the president or any two  
 39 members, and no official business shall be transacted by the board except at a regular  
 40 or special meeting. If the president or clerk be absent from any meeting, or refuse to  
 41 perform his official duties, a president or clerk *pro tempore* shall be appointed. The  
 42 clerk of each board of school directors shall report to the township treasurer or treasurers  
 43 of the proper township or townships, immediately after the organization of the board,  
 44 the names of the president and clerk, and on or before the seventh of July, annually,  
 45 such statistics and other information in relation to the schools of their respective districts,  
 46 as the township treasurer is required to embody in his report to the county superinten-  
 47 dent, and the particular statistics to be so reported, shall be determined and designated  
 48 by the State superintendent of public instruction. At the annual election of director,  
 49 the directors shall make a detailed report of their receipts and expenditures to the  
 50 voters there present, a copy of which shall be transmitted to the township treasurer  
 51 within five days of the time of said election. They shall also report the number and  
 52 names of persons above the age of twelve years and under twenty-one, residing in the  
 53 district, who are unable to read and write, and the causes of the neglect to educate  
 54 them. Directors are authorized to use any funds belonging to their district, and not  
 55 otherwise appropriated, for the purchase of a suitable book for their records, and the

56 said records shall be kept in a punctual, orderly and reliable manner. They may, also  
 57 where they deem the amount of labor done sufficient to justify it, allow out of such  
 58 funds a compensation to said clerk for duties actually performed. Within ten days  
 59 after every election of directors, the judges shall cause the poll book to be delivered to  
 60 the township treasurer, with a certificate thereon, showing the election of said direc-  
 61 tors and names of the persons elected; which poll book shall be filed by the township  
 62 treasurer, and shall be evidence of said election. In the case of a union district made  
 63 up of parts of two or more townships, the poll book shall be returned to the township  
 64 treasurer who receives the tax money of said district. For failure to deliver said poll  
 65 book within the time prescribed, the judges shall be liable to the same penalty as is pre-  
 66 scribed in section thirty (30), which penalty may be recovered in the same manner as is  
 67 provided in said section, and when collected shall be added to the district funds. If  
 68 any trustee or director shall not be an inhabitant of the district or township which he  
 69 represents, an election shall be ordered to fill the vacancy, and no person shall be at the  
 70 same time a director and trustee, nor shall a director or trustee be interested in any con-  
 71 tract made by the board of which he is a member.

§ 43. For the purpose of establishing and supporting free schools for not less than  
 2 five nor more than nine months in each year, and defraying all the expenses of the  
 3 same, of every description; for the purpose of repairing and improving school houses;  
 4 of procuring furniture, fuel, libraries and apparatus, and for all other necessary inci-  
 5 dental expenses, in each district, village or city, anything in any special charter to the  
 6 contrary notwithstanding, there shall be authorized to be levied a tax annually, upon  
 7 all the taxable property of the district, not to exceed two per cent. for educational, and  
 8 three per cent. for building purposes, to be ascertained by the last assessment for State  
 9 and county taxes. They may also appropriate to the purchase of libraries and appa-  
 10 rus, any surplus funds, after all necessary school expenses are paid. And when any  
 11 school district shall own any personal property not needed for school purposes, the dir-  
 12 ectors of such district may sell such property at public or private sale, as in their judg-  
 13 ment will be for the best interest of the district, and the proceeds of such sale shall be  
 14 paid over to the treasurer of such district for the benefit of said school district.

§ 44. The directors of each district shall ascertain as near as practicable, annually  
 2 how much money must be raised by special tax for school purposes during the ensuing

3 year, which amount shall be certified and returned to the township treasurer, on or be-  
 4 fore the first Tuesday of August, annually. The certificate of the directors may be in  
 5 the following form, viz:

6 "We hereby certify that we require the amount of \_\_\_\_\_ to be levied as a  
 7 special tax for school purposes on the taxable property of our district, for the year 18\_\_.

8 "Given under our hands, this \_\_\_\_\_ day of \_\_\_\_\_ 18\_\_.

9	A. B.	}	Directors district No. _____, township
10	C. D.		No. _____, range, No. _____, county
11	E. F.		of _____, State of Illinois."

12 It shall be the duty of the township treasurer to return said certificates to the  
 13 county clerk, on or before the second Monday of August; and whenever the bound-  
 14 aries of the districts of the township shall have been changed, the township treasurer  
 15 shall return to the county clerk, with the certificates, a map of the township showing  
 16 such changes, and certified as required in the thirty-third section of this act. When a  
 17 district lies partly in two or more counties, the directors shall determine and certify the  
 18 amounts to be levied on the taxable property lying in each county, and return the same  
 19 to the county treasurer, who shall return them to the respective county clerks, as here-  
 20 inbefore provided.

§ 45. According to the amount certified as aforesaid, the said county clerk, when  
 2 making out the tax books for the collector, shall compute each taxable person's tax in  
 3 said district, upon the total amount of taxable property as equalized by the State Board  
 4 of Equalization for that year, lying and being in said district, whether belonging to  
 5 residents or non-residents, and also each and every tract of land assessed by the asses-  
 6 sor, which lies, or the largest part of which lies in said district. The said county clerk  
 7 shall cause each person's tax so computed to be set upon the tax book to be delivered  
 8 to the collector for that year, in a separate column, against each tax payer's name or  
 9 parcel of taxable property, as it appears in said collector's book, to be collected in the  
 10 same manner and at the same time, and by the persons, as State and county taxes are  
 11 collected. It shall be the duty of assessors, when making assessments of personal prop-  
 12 erty, to designate the number of the school district in which each person so assessed re-  
 13 sides; which designation shall be made by writing the number of such district opposite  
 14 each person's assessment of personal property, in a column provided for that purpose in

15 the assessment roll returned by the assessor to the county clerk. It shall be the duty of  
 16 the county clerk to copy said numbers of school districts, as returned by the assessor,  
 17 into the collector's book, and to extend the school tax on each person's assessment of  
 18 personal property according to the rate required by the amount designated by the direc-  
 19 tors of the school district in which the person resides. It is hereby made the duty of  
 20 the proper officers, in preparing blank books and notices for the use of assessors, to  
 21 provide columns and blanks for the use of assessors as above described. The computa-  
 22 tions of each person's tax, and the levy made by the clerk, as aforesaid, shall be final  
 23 and conclusive: *Provided*, the rate shall be uniform, and shall not exceed that  
 24 required by the amount certified by the board of directors; and the said county clerk,  
 25 before delivering the tax book to the collector, shall make out and send by mail to each  
 26 township treasurer of the respective townships in the county, a certificate of the amount  
 27 due each district, or fraction of a district in his township, of said tax, so levied and  
 28 placed upon the tax books, and on or before the first day of April next after the de-  
 29 livery of the tax books containing the computation and levy of said taxes aforesaid, or  
 30 as soon thereafter as the township treasurer shall present the said certificate of the  
 31 amount of said tax, and make a demand therefor, the said collector shall pay to said  
 32 township treasurer the full amount of said tax so certified by the county clerk, or in  
 33 case any part thereof remains uncollected, said collector shall, in addition to the amount  
 34 collected, deliver to said township treasurer a statement of the uncollected taxes for each  
 35 district of said township, taking of the township treasurer his receipt therefor, which  
 36 receipt shall be evidence, as well in favor of the collector as against the township treas-  
 37 urer; and said treasurer shall enter the amount collected in his books, under the proper  
 38 heads, and pay the same out as provided for by this act. When a district is composed  
 39 of parts of two or more townships, the directors shall determine and inform the  
 40 collectors of said township, and the collector or collectors of the county or counties in  
 41 which said townships lie, in writing, under their hands as directors, which of the treasurers  
 42 of the townships from which their district is formed shall demand and receive the tax  
 43 money collected by the said collectors as aforesaid.

§ 47. For the purpose of building school houses, or purchasing school sites, or for  
 2 repairing and improving the same, the directors, by a vote of the people, at an election  
 3 called and conducted as required in the forty-second (42) section of this act (a majority

4 of the votes cast shall be necessary to authorize the directors to act), may borrow money  
 5 issuing bonds executed by the officers, or at least two members of the board, in sums of  
 6 not less than one hundred dollars (\$100); but the rate of interest shall not exceed eight  
 7 percent. nor shall the sum borrowed in any one year exceed five per cent. (including  
 8 existing indebtedness) of the taxable property of the district, to be ascertained by the  
 9 last assessment for the State and county taxes previous to the incurring of such indebted-  
 10 ness, nor shall the tax levied in any one year for building school houses exceed three  
 11 percent of said taxable property, except to pay indebtedness contracted previous to the  
 12 passage of this act. All bonds authorized to be issued by virtue of the power granted  
 13 by this act, before being so issued, negotiated and sold, shall be registered, numbered  
 14 and countersigned by the school treasurer of the township wherein the school house of  
 15 such district is or is to be located. Such register shall be made in a "bond register"  
 16 book to be kept for that purpose, and in this register shall first be entered the record of  
 17 the election authorizing the directors to borrow money, and then a description of the  
 18 bonds issued by virtue of such authority as to number, date, to whom issued, amount,  
 19 rate of interest, and when due. All moneys borrowed under authority granted by this  
 20 section shall be paid into the school treasury of the township wherein the bonds issued  
 21 therefor are required to be registered; and, upon receiving said moneys, the treasurer  
 22 shall deliver the bond or bonds issued therefor to the parties entitled to receive the  
 23 same, and shall credit the funds received to the district issuing the bonds, and enter in  
 24 the "bond register" the exact amount received for each and every bond issued, and,  
 25 when any such bonds are paid, the township treasurer shall cancel the same, and shall  
 26 enter in the "bond register," against the record of such bonds, the words: "Paid and  
 27 cancelled this                      day of                      A. D.                      ," filling the blanks  
 28 with the day, month and year corresponding with the date of such payment.

§ 48. The directors of each district are hereby declared a body politic and corporate  
 2 by the name of "School Directors of District No.                      , Township No.                      , County of  
 3                      , and State of Illinois," and by that name may sue and be sued in all courts and  
 4 places whatever. Two directors shall be a quorum for business. The directors shall  
 5 be liable as directors for the balance due teachers, and for all debts legally contracted.  
 6 They shall establish, and keep in operation for at least one hundred and ten days of  
 7 actual teaching in each year, without reduction by reason of closing schools upon legal

8 holidays, or for any other cause, and longer if practicable, a sufficient number of free  
 9 schools for the accommodation of all children in the district over the  
 10 age of six and under twenty-one years, and shall secure to all such children the  
 11 right and opportunity to an equal education in such free schools.  
 12 They shall adopt and enforce all necessary rules and regulations for the management  
 13 and government of the schools, and shall visit and inspect the same, from time to time  
 14 as the good of the schools may require. They shall appoint all teachers, fix the amount  
 15 of their salaries, and may dismiss them for incompetency, cruelty, negligence, immo-  
 16 rality, or other sufficient cause. They shall have power to assign pupils to the several  
 17 schools. They shall direct what branches of study shall be taught, and what text  
 18 books and apparatus shall be used in the several schools, and strictly enforce uniformity  
 19 of text books therein, but shall not permit text books to be changed oftener than once  
 20 in four years. They may suspend or expell pupils for incorrigibly bad conduct, and no  
 21 action shall lie against them for such expulsion or suspension; and may provide, that  
 22 children under twelve (12) years of age shall not be confined in school more than four  
 23 hours daily. It shall not be lawful for a board of directors to purchase or locate a  
 24 school house site, or to purchase, built or move a school house, or to levy a tax to  
 25 extend schools beyond nine months, without a vote of the people at an election called  
 26 and conducted as required in the forty-second section of this act: a majority of the  
 27 votes cast shall be necessary to authorize the directors to act: *Provided*, that if no one  
 28 locality shall receive a majority of all the votes cast at such election, the directors may,  
 29 if in their judgment the public interests require it, proceed to select a suitable school  
 30 house site; and the site so chosen by them shall, in such case, be legal and valid, the  
 31 same as if it had been determined by a majority of the votes cast; and the site so  
 32 selected by either of the methods above provided, shall be the school house site for  
 33 such district; and said district shall have the right to take the same for the purpose of  
 34 a school house site, either with or without the owner's consent; and in case the com-  
 35 pensation to be paid for such site cannot, for any reason, be agreed upon or determined  
 36 between the school directors and the parties interested in the land taken for such site,  
 37 then it shall be the duty of the directors of such district to proceed to have such com-  
 38 pensation determined in the manner which may be at the time provided by law for the  
 39 exercise of the right of eminent domain.



§ 51. It shall be the duty of the county superintendent to hold meetings at least  
 2 quarterly, and oftener if necessary, for the examination of teachers, on such days and at  
 3 such places in the respective counties as will, in their opinion, accommodate the greatest  
 4 number of persons desiring such examination. Notice of such meetings shall be pub-  
 5 lished a sufficient length of time, in at least one newspaper of general circulation, the  
 6 expense of such publication to be paid out of the school fund. The county superinten-  
 7 dent shall, in no case, exact or receive any fee for certificates.

§ 52. No teacher shall be entitled to any portion of the common school or township  
 2 fund, or other public fund, or be employed to teach any school under the control of  
 3 any board of directors of any school district in this State, who shall not, at the time of  
 4 his employment, have a certificate of qualification, obtained under the provisions of this  
 5 act, entitling him to teach during the entire term of his contract; nor shall any teacher  
 6 be paid any portion of the school or public fund aforesaid, unless he shall have kept  
 7 and furnished schedules as herein directed, and shall have satisfactorily accounted  
 8 for the books, apparatus and other property of the district that he may have taken in  
 9 charge.

§ 53. Teachers shall make schedules of the names of all scholars under twenty-one  
 2 years of age attending their schools, in the form prescribed by this act, and when schol-  
 3 ars reside in two or more districts, townships or counties, separate schedules shall be  
 4 kept for each district, township or county; and the absence or presence of every scholar  
 5 shall be set down under the proper date, and opposite the name, on every day that  
 6 school is open; and the absence of a scholar shall be signified by a blank--the presence  
 7 by a mark. The schedule to be made and returned by the teacher shall be, as near as  
 8 circumstances will permit, in the following form, viz:



15 "I certify that the foregoing schedule of scholars attending my school, as therein  
 16 named, and residing as specified in said schedule, to the best of my knowledge and  
 17 belief, is correct.

18

A. B., Teacher."

19 When the teacher shall have completed his or her schedule or schedules, as above re-  
 20 quired, he or she shall deliver it to some one of the directors, who shall give the teacher  
 21 a receipt for the same; and it shall be the duty of said director, in connection with one  
 22 other director of the board, to carefully examine such schedule or schedules, and after  
 23 correcting all errors, if they shall find such schedule to have been kept according to law  
 24 they shall certify to the same as near as practicable, in the following form, viz:

25 STATE OF ILLINOIS, }  
 26 COUNTY, } SS:

27 We, the undersigned, directors of , in township number , range  
 28 number , in the county aforesaid, certify that we have examined the foregoing  
 29 schedule and find the same to be correct, and that the school was conducted according  
 30 to law, that there is now due said C. D., teacher, as per contract, the sum of dol-  
 31 lars . . . . . cents, for which an order is issued bearing even date with this certifi-  
 32 cate, and that the said teacher has a legal certificate of . . . . . grade, and  
 33 that the property of the district in charge of such teacher has been satisfactorily ac-  
 34 counted for.

35 Witness our hands this . . . . . day of . . . . . 18 .

36

37

38

. . . . .  
 . . . . . } Directors.  
 . . . . .

39 Teachers' wages are hereby declared due and payable monthly; and upon certifying  
 40 to the schedule as aforesaid, the directors shall at once make out and deliver to the  
 41 teacher an order upon the township treasurer for the amount named in the schedule;  
 42 which order shall state the rate at which the teacher is paid according to his contract,  
 43 the limits of the time for which the order pays, and that the directors have duly certi-  
 44 fied a schedule covering this time. But it shall not be lawful for the directors to draw  
 45 an order until they have duly certified to the schedule; nor shall it be lawful for the  
 46 directors after the date of filing schedules in April and October, to certify any schedule

47 that covers any time prior to such dates, nor to draw an order upon the township  
 48 treasurer in favor of any teacher for the time covered by such schedule. If any order  
 49 drawn for the payment of a teacher is presented to the township treasurer for payment  
 50 and is not paid for want of funds, the treasurer shall make a written statement over his  
 50 signature by an endorsement upon such order with date showing such presentation and  
 52 non-payment, and shall make and keep a record of such endorsement. Such order  
 53 shall thereafter draw interest at the rate of eight per cent. per annum until paid or  
 54 until the treasurer shall in writing notify the clerk of the board of directors that he has  
 55 funds to pay such order; and of said notice the treasurer shall make and keep a record;  
 56 and after giving such notice, he shall hold the funds necessary to pay such order until  
 57 it is presented for payment. And such order shall draw no interest after the giving  
 58 of said notice to said clerk of the board.

§ 54. Schedules made and certified as aforesaid shall, at least two days before the  
 2 first Monday in April and October, be delivered by the directors to the township treas-  
 3 urer; and the directors shall be personally liable to the teacher and the district for any  
 4 loss sustained by either by their failure to examine and deliver to the township  
 5 treasurer, all schedules within the time fixed by law. The school month shall be the  
 6 same as the calendar month; but teachers shall not be required to teach upon Satur-  
 7 days, legal holidays—those being New Years, Fourth of July and Christmas, and thank-  
 8 giving and fast days appointed by the National or State authority; nor shall they be re-  
 9 quired to make up the time lost by closing school upon such days, or upon such special  
 10 holidays as may be granted the schools by the board of directors.

§ 55. The township treasurer appointed by the board of trustees shall, before enter-  
 2 ing upon his duties, execute a bond, with two or more freeholders, who shall not be  
 3 members of the board, as securities, payable to the board of the township for which he  
 4 is appointed treasurer, with a sufficient penalty to cover all liabilities which may be in-  
 5 curred, conditioned faithfully to perform all the duties of township treasurer, in town-  
 6 ship \_\_\_\_\_, range \_\_\_\_\_, in \_\_\_\_\_ county, according to law. The bond shall be approved by  
 7 at least a majority of the board, and shall be delivered by one of the trustees to the  
 8 county superintendent of the proper county. And in all cases where such treasurer  
 9 aforesaid is to have the custody of all bonds, mortgages, moneys and effects denom-  
 10 inated principal, and belonging to the township for which he is appointed treasurer,

the penalty of said treasurer's bond shall be twice the amount of said bonds, notes, mortgages, moneys and effects and shall provide for the faithful accounting for and turning over of all such bonds, notes, mortgages, moneys and effects as shall come into his hands while he may act as such treasurer under such appointment, to his successor when appointed and qualified as herein provided by giving bond. The penalty of said bond shall be increased, from time to time, as the increase of the amount of notes, bonds, mortgages and effects may require, and whenever, in the judgment of the trustees or county superintendent, the security is insufficient. Any and every township treasurer appointed subsequent to the first, as herein provided, shall execute bond with security, as is required of the first treasurer. The bond required in this section shall be in the following form, viz :

STATE OF ILLINOIS, }  
 . . . . . County. } ss:

Know all men by these presents, that we, A. B., C. D. and E. F., are held and firmly bound, jointly and severally, unto the board of trustees of township                      range in said county, in the penal sum of                      dollars, for the payment of which we bind ourselves, our heirs, executors and administrators, firmly by these presents.

In witness whereof, we have hereunto set our hands and seals this                      day of                      , A. D. 18                      .

The condition of the above obligation is such that if the above bounden A. B., township treasurer of township                      , range                      , in the county aforesaid, shall faithfully discharge all the duties of said office according to the laws which now are or may hereafter be in force, and shall deliver to his successor in office, after such successor shall have fully qualified by giving bond as provided by law, all moneys, books, papers, securities and property which shall come into his hands or control, as such township treasurer, from the date of this bond up to the time that his successor shall have duly qualified as township treasurer by giving such bond as shall be required by law, then this obligation to be void; otherwise to remain in full force and virtue.

Approved and accepted by

G. H. }  
 I. J. } Trustees.  
 K. L. }

A. B. [SEAL.]

C. D. [SEAL.]

E. F. [SEAL.]

§ 57. Township treasurers shall loan, upon the following conditions, all moneys  
 2 which shall come to their hands by virtue of their office, except such as may be subject  
 3 to distribution. The rate of interest shall not be less than six per cent., nor more than  
 4 eight per cent. per annum; the rate of interest to be determined by a ma-  
 5 jority of the township trustees, at any regular or special meeting of their  
 6 board. No loans shall be made for less than six months, or more than five years.  
 7 For all sums not exceeding one hundred dollars, loaned for not more than one year, two  
 8 responsible sureties shall be given; for all sums over one hundred dollars, and for all  
 9 loans for more than one year, security shall be given by mortgage on real estate, unin-  
 10 cumbered, in value double the amount loaned, with a condition that in case additional  
 11 security shall at any time be required, the same shall be given to the satisfaction of the  
 12 board of trustees for the time being: *Provided*, that nothing herein shall prevent the  
 13 loaning of township funds to boards of school directors, taking bonds,  
 14 therefor, as provided in section forty-seven (47) of this act. Notes, bonds, mortgages,  
 15 and other securities taken for money or other property, due or to become due to  
 16 the board of trustees for the township, shall be payable to the said board by their  
 17 corporate name; and in such name suits, actions and complaints, and every descrip-  
 18 tion of legal proceedings may be had for the recovery of money, the breach of con-  
 19 tracts, and for every legal liability which may at any time arise or exist, or upon which  
 20 a right of action shall accrue to the use of this corporation: *Provided, however*, that  
 21 notes, bonds, mortgages and other securities in which the name of the county superin-  
 22 tendent or of the trustees of schools are inserted, shall be valid to all intents and pur-  
 23 poses; and suit shall be brought in the name of the board of trustees as aforesaid. The  
 24 wife of the mortgagor (if he has one) shall join in the mortgage given to secure the pay-  
 25 ment of money loaned by virtue of the provisions of this act. Where there is a surplus of  
 26 funds in the treasurer's hands belonging to any school district, he may loan the same  
 27 for the use and benefit of said district, upon the written request of the directors of such  
 28 district, and not otherwise; and all such loans shall be on the same conditions as are  
 29 prescribed in this section for the loaning of township funds.

§ 58. On the first Mondays of April and October, of every year, the township treas-  
 2 urer shall lay before the board of trustees a statement showing the amount of interests,  
 3 rents, issues and profits that have accrued or become due since their last regular

4 half yearly meeting, on the township lands and township funds, and also the amount  
 5 of State and county fund interest on hand. He shall also lay before the said trustees  
 6 all books, notes, bonds, mortgages and all other evidences of indebtedness belonging to  
 7 the township, for the examination of the trustees, and shall make such other statement  
 8 as the board may require, touching the duties of his office. He shall make out, annual-  
 9 ly, and present to the board of trustees at their meeting succeeding the annual election,  
 10 a complete exhibit of the fiscal affairs of the township, and of the several districts or  
 11 parts of districts in the township, showing the receipts of moneys, and the sources  
 12 from which they have been derived, and the deficit and delinquencies, if there be any,  
 13 and the cause, as well as a classified statement of moneys paid out, and amount of  
 14 obligations remaining unpaid. And he shall, within two days after the first Monday of  
 15 April and of October in each year, make out, for each district or part of district in  
 16 the township, a statement or exhibit of the exact condition of the account of such dis-  
 17 trict or part of district; which statement or exhibit shall show the balance at the time  
 18 of making the last exhibit and the amount received since up to the time of making the  
 19 exhibit, and when and from what source received; it shall also show the amount paid  
 20 out during the same time, to whom paid and for what purpose; it shall be balanced and  
 21 balance shown. The exhibit shall be subscribed and sworn to by the treasurer before  
 22 any officer authorized to administer an oath, and shall then, by the treasurer, be, with-  
 23 out delay, delivered or transmitted by mail to the clerk of the board of directors of the  
 24 proper district, and it shall be the duty of said clerk, upon receiving such exhibit, to  
 25 enter the same upon the records of the district, and, at the next annual election of  
 26 director thereafter, the directors shall cause a copy of such exhibits to be posted up at  
 27 the front door where such election is held: *Provided*, that the first exhibit, made under  
 28 the requirements of this act, shall be made within two days after the first Monday of  
 29 October, 1879, and shall commence with the balance on the first Monday in April, 1879;  
 30 and for a failure on the part of the treasurer, clerk of the board of directors, or any  
 31 director, to comply with any of the requirements of this section required of him, he  
 32 shall be liable to penalty of not less than five dollars nor more than fifty dollars, to be  
 33 recovered before any justice of the peace of the county in which the offense is commit-  
 34 ted: *Provided, further*, that it shall be the duty of said treasurer to comply with any

35 demand the said trustees may make as to the verification of any balance reported to be  
36 on hand."

§ 67. School funds collected from special taxes, levied by order of school directors,  
2 or from the sale of property belonging to any district, shall be paid out on the order of  
3 the proper board of directors; and all other moneys or school funds, liable to distribu-  
4 tion, paid into the township treasury, or coming into the hands of the township treas-  
5 urer, shall, after said funds have been apportioned by the township trustees, as required  
6 in section thirty-four (34) of this act, be paid out only on the order of the proper board  
7 of directors, signed by the president and clerk of said board, or by a majority of such  
8 board. But when a district is composed of parts of two or more townships, the town-  
9 ship treasurer or treasurers who do not receive the tax money of said district shall,  
10 when they hold any funds belonging to said district, notify the directors thereof of the  
11 amount of such funds; and the directors shall thereupon give the treasurer who receives  
12 the tax money of said district an order for such funds, and upon receipt thereof he shall  
13 hold them to be paid out as aforesaid. For all payments made, receipts shall be taken  
14 and filed. In all such orders shall be stated the purpose for which, or on what account  
15 drawn. Said orders may be in the following form, viz:

16 The treasurer of \_\_\_\_\_, township No. \_\_\_\_\_, range No. \_\_\_\_\_, in \_\_\_\_\_ county,  
17 will pay to \_\_\_\_\_, or bearer, \_\_\_\_\_ dollars and \_\_\_\_\_ cents (on his contract for  
18 repairing school house, or whatever the purpose may be).

19 By order of the board of directors of district No. \_\_\_\_\_, in said township.

20 A. B, President.

21 C. D, Clerk.

22 Which order, together with the receipt of the person to whom paid, shall be filed in  
23 the office of the township treasurer: *Provided*, that when an order is paid in full, such  
24 order, if properly endorsed by the person in whose favor it was drawn, and his assigns,  
25 if any, or by the person to whom paid, if drawn payable to bearer, shall be a sufficient  
26 receipt for the purposes of this section.

§ 79. This act shall not be so construed as to repeal or change in any respect any  
2 special acts in relation to schools in cities having less than one hundred thousand  
3 inhabitants, or incorporated towns, townships or districts, except that it shall be the  
4 duty of the several boards of education or other officers of any city or incorporated



5 town, township or district having in charge schools under the provisions of any of the  
 6 said special acts, or of any ordinance of any city or incorporated town, on or before the  
 7 fifteenth day of August preceding each regular session of the General Assembly of this  
 8 State, or annually, if required so to do by the State Superintendent, to make out and  
 9 render a statement of all such statistics and other information in regard to schools and  
 10 the enumeration of persons as is required to be communicated by township boards of  
 11 trustees or directors under the provisions of this act, or so much thereof as may be ap-  
 12 plicable to said city or incorporated town to the county superintendent  
 13 of the county where such city or incorporated town is situated,  
 14 or of the county in which the larger part of such city or town is  
 15 situated; nor shall it be lawful for the county superintendent or any other officer or  
 16 person to pay over any portion of the common school fund to any local treasurer, school  
 17 agent, clerk, board of education or other officer or person of any township, city, incorpo-  
 18 rated town, unless a report of the number of persons and other statistics relative to schools,  
 19 and a statement of such other information as is required of the board of trustees or di-  
 20 rectors as aforesaid, and of other school officers and teachers under the provisions of  
 21 this act shall have been filed at the time or times aforesaid, specified in this section,  
 22 and the superintendent of schools of the proper county, as aforesaid, it shall also be the  
 23 duty of the president, principal or other proper officer of every organized university,  
 24 college, seminary, academy, or other literary institution heretofore incorporated or  
 25 hereinafter to be incorporated in this State, to make out or cause to be made out and  
 26 forwarded to the office of the superintendent of public instruction on or before the first  
 27 Monday in November in each year, a report setting forth the amount and estimated  
 28 value of real estate owned by the corporation, the amount of other funds and endow-  
 29 ments, and the yearly income from all sources, the number of instructors, the number  
 30 of students in the different classes, the studies pursued and the books used, the course  
 31 of instruction, the terms of tuition and such other matters as may be specially requested  
 32 by said superintendent, or as may be deemed proper by the president or principal of  
 33 such institution, to enable the superintendent of public instruction to lay before the  
 34 legislature a fair and full exhibit of the affairs and conditions of said institutions and of  
 35 the educational resources of the State.

(In House.)

1. Reported to House May 1, 1879.
2. First reading May 5, and ordered to second reading.
3. Second reading, amended and ordered to third reading May 17.

Amendments to Senate Bill 371, adopted May 17, 1879:

Amend section 1 line 2 of the printed bill by inserting after the figures "(20)" the words and figures "twenty-two (22), thirty (30)."

Amend the printed bill by inserting after section 10, line 30, the following: "When any real estate shall have been taken for debts due to any school fund, the title to which real estate has become vested in any county superintendent for the use of the inhabitants of one or more townships, or of the county, the county superintendent may lease or sell such real estate for the benefit of said township or townships, or of the county, under the provisions of section No. 41 of this act, regulating the leasing and sales of land by school trustees. *Provided*, that in case the real estate be held for the benefit of any township or townships, it shall not be sold except upon the written request of school trustees of said township or townships; and the said superintendent is hereby authorized to execute conveyances to purchasers."

Upon the election of trustees of schools, the judges of the election shall, within ten days thereafter, cause a copy of the poll book of said election to be delivered to the county superintendent of the county, with a certificate thereon, showing the election of said trustees and names of persons elected; which copy of the poll book, with the certificate, shall be filed by said superintendent, and shall be evidence of such election. For failure to deliver such copy of poll book and certificate within the time prescribed, the judges shall be liable to a penalty of not less than twenty-five dollars nor more than one hundred dollars, to be recovered in the name of the People of the State of Illinois, by action of assumpsit, before any justice of the peace of the county; which penalty, when collected, shall be added to the township fund of the township. When school trustees are elected at town meetings as provided in section 27 of this act, it shall be the duty of the county clerk, as soon as the list of the names of officers elected

29 Teachers shall keep correct daily registers of their schools, which shall exhibit the  
30 name, age and attendance of each pupil, the day of the week, the month and the year  
31 Said registers shall be as nearly as may be in the following form, the absence of each  
32 scholar being signified by a mark, the presence by a blank, viz :

Names and ages of scholars attending school.		1874.		January		February		Total number of days each scholar
Names.	Age.	Monday.	Tuesday.	Wednesday.	Thursday.	Friday.	Saturday.	
John Smith . . . . .	10	1						1
Isaac Meslier . . . . .	18		1		1	1	1	4
Sarah Danforth . . . . .	16							0
Mary Newman . . . . .	18			1				1
Grand total number of days.		1	1	1	1	1	1	6

	Males.	Females.	Total.
Number of scholars . . . . .	2	2	4
Average daily attendance. . . . .	3, 2		

33 Said registers shall be furnished to the teachers by the school directors, and each  
 34 teacher shall, at the end of his term of school, return his register to the clerk of the  
 35 school board of the district."

36 Amend further said section 53 by striking out, beginning with the word "and" in  
 37 line 4 of the printed bill, and ending with the word "attendance" in line 11, and insert-  
 38 ing in their stead the following: "The schedule to be made and returned by the  
 39 teacher shall be, as near as circumstances will permit, in the following form, viz:

SCHEDULE of a common school kept by \_\_\_\_\_, at \_\_\_\_\_, in district number \_\_\_\_\_, in town-  
 ship number \_\_\_\_\_, range number \_\_\_\_\_, of the \_\_\_\_\_ principal meridian, in the county  
 of \_\_\_\_\_, in the State of Illinois. Names and ages of scholars residing in district  
 number \_\_\_\_\_, in township number \_\_\_\_\_ north, range \_\_\_\_\_ west, \_\_\_\_\_ county, who have at-  
 tended my school during the month of \_\_\_\_\_ 18\_\_\_\_\_.

NAMES.	Ages.	Days' attend- ed.	
John Smith.....	10	15	
Isaac Mosier.....	13	11	
Sarah Danforth.....	16	20	
Mary Newman.....	18	18	
Grand total number of days' attendance.....		64	
	Males.	Females.	Total.
Number of scholars.....	2	2	4
Average daily attendance.....			3, 2

40 And said teachers shall add up the whole number of days attendance of each scholar,  
 41 and make out the grand total number of days' attendance.

42 Amend sections 79, lines 26 and 27, of the printed bill, by striking out the words  
 43 "first Monday in November," and inserting in their stead, the words "fifteenth day of  
 44 August."

45 Amend section 44 of the printed bill by adding at the end thereof, the following:  
 46 "*Provided*, that in order to determine the amount to be levied on the taxable property  
 47 of the part of the district lying in each county, the directors shall ascertain from the  
 48 county clerks of the respective counties in which such district lies, the last ascertained  
 49 equalized value of the taxable property of such district lying in their respective coun-  
 50 ties, and shall then ascertain the rate per cent required, and shall apportion the whole  
 51 amount to be raised between the several parts of the district so lying in different coun-  
 52 ties, accordingly. And it shall be the duty of the county clerk of each county, to de-  
 53 liver to the directors of such district, on their application, a certificate showing the  
 54 last ascertained equalized value of the taxable property in that part of such district  
 55 lying in such county."

56 Amend section 43 by striking out the words "there shall be authorized to be levied"  
 57 in line 6, and insert in lieu thereof, the words, "the directors of such district, and the  
 58 authorities of such village or city shall be authorized to levy."

59 In section 43, line 7, after the word "district," insert the words "village or city."

60 At the close of section 43, add as follows: "*Provided*, no such sale shall be made un-  
 61 til the same and the manner and terms thereof shall be authorized by vote of the dis-  
 62 trict."

63 Amend section 48 by striking out all of said section after the word "district" in line  
 64 thirty-three.

W. B. TAYLOR, Clerk.

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Substitute for No. 181.

1. Introduced by Mr. Mayborne from Committee on State Charitable Institutions March 6, 1879, and ordered to first reading.
2. First reading March 6, 1879, and referred to Committee on Appropriations.
3. Reported back, passage recommended, and ordered to second reading March 7, 1879.

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## A BILL

For an act making appropriations for the Illinois Eastern Hospital for the Insane at  
Kankakee.

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SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General*

2 *Assembly, That the following amounts be, and are, hereby appropriated to the Illinois*  
3 *Eastern Hospital for the Insane, at Kankakee, for the purposes hereinafter named, and*  
4 *for no other:*

5     For the construction and completion of two sections of the north wing, to accommo-  
6     date one hundred and fifty female patients, one hundred and thirty thousand dollars  
7     (\$130,000).

8     For the construction and completion of detached wards, to accommodate not less  
9     than eighty male patients, thirty thousand dollars (\$30,000.)

10    For the construction of coal house, carriage house, stables, farm buildings, quarters  
11    for employes, amusement hall, shops and other necessary outbuildings, eighteen thous-  
12    and dollars (\$18,000).

13    For roads, walks, grading, trees, shrubbery, and improvement of farm and grounds,  
14    one thousand dollars (1,000).

15    For the purchase of furniture, tools, implements and machinery, for use in shops  
16    kitchen, laundry, chapel, amusement hall and all other buildings erected or to be

17 erected from funds herein or heretofore appropriated, thirty-five thousand dollars  
18 (\$85,000).

19 For farm implements, stock, carriage for patients, wagons, buggy, harness, etc., three  
20 thousand five hundred dollars (\$3,500).

21 For fencing and for purchase of additional land, three thousand dollars (\$3,000).

1 § 2. The trustees shall not contract for nor begin the erection of any building or  
2 buildings which cannot be fully completed within the amount of the present appropri-  
3 ation; but they may use any unexpended balances of the appropriations herein or  
4 heretofore made for the better accomplishment of the purposes of this act, namely, to  
5 make the earliest and fullest provision for the insane of this State which may be expe-  
6 dient or possible.

§ 3. The moneys herein appropriated shall be due and payable to the trustees or  
2 their order only on the terms and in the manner now provided by law.

1. Introduced by Mr. Mayborne, from Committee on State Charitable Institutions, March 6, and ordered to first reading.
2. First reading March 6, and referred to Committee on Appropriations.
3. Reported back, passage recommended, and ordered to second reading March 7.
4. April 4, second reading and amended.
5. April 8, amended and ordered to third reading.

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## A BILL

For an act making Appropriations for the Illinois Eastern Hospital for the Insane,  
at Kankakee.

---

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General*

Assembly, That the following amounts be and are hereby appropriated to the Illinois Eastern Hospital for the Insane, at Kankakee, for the purposes hereinafter named, and for no other:

For the construction and completion of two sections of the north wing, to accommodate one hundred and fifty female patients, one hundred and ten thousand dollars (\$110,000).

For the construction of coal house, carriage house, stables, farm building, quarters for employees, amusement hall, shops and other necessary outbuildings, eighteen thousand dollars (\$18,000).

For roads, walks, grading, trees, shrubbery, and improvement of farm and grounds, one thousand dollars (\$1000).

For the purchase of furniture, tools, implements and machinery for use in shops, kitchen, laundry, chapel, amusement hall and all other buildings erected or to be erected from funds herein or heretofore appropriated, thirty thousand dollars (\$30,000).

For farm implements, stock, carriage for patients, wagons, buggy, harness, etc., three thousand five hundred dollars (\$3500).



18 For fencing, fifteen hundred dollars (\$1500).

§ 2. The trustees shall not contract for nor begin the erection of any building or  
2 buildings which can not be fully completed within the amount of the present appro-  
3 priation; but they may use any unexpended balances of the appropriations herein or  
4 heretofore made for the better accomplishment of the purposes of this act—namely, to  
5 make the earliest and fullest provision for the insane of this State which may be expe-  
6 dient or possible.

§ 3. The moneys herein appropriated shall be due and payable to the trustees or  
2 their order only on the terms and in the manner now provided by law.

1. Reported to House April 19, 1879.
2. First reading April 19, 1879, and referred to committee on appropriations.
3. Reported back with amendments, passage recommended, and ordered to second reading April 26, 1879.

Amendments to Senate Bill No. 373, proposed by Committee on Appropriations,  
April 26, 1879.

Amend section 1, lines 11 and 12 of written bill by striking out the words and  
2 figures one hundred and ten thousand (110,000) and insert in lieu thereof the  
3 words and figures "sixty-five thousand (65,000)"

Amend same section by adding for the construction and completion of detached  
2 wards to accommodate not less than eighty male patients, thirty thousand dollars  
3 (\$30,000).

Amend same section by striking out the words and figures "eighteen thousand  
2 (18,000)" in lines 16 and 17, of written bill, and insert in lieu thereof the words and  
3 figures "thirty thousand (30,000)."

Amend same section by striking out the words and figures "one thousand (1,000),"  
2 in line 20, and insert in lieu thereof the words and figures "twenty-five hundred  
3 (2,500)."

Amend same section by striking out the words "three thousand five hundred  
2 (3,500)" in lines 26 and 27, and insert in lieu thereof the words and figures "five  
3 thousand (5,000)"

Amend same section by adding after the word "fencing" in line 20, the words "and  
2 for purchase of additional land."

Amend same line (90) by striking out the words and figures "fifteen hundred (1,500)" and insert in lieu thereof the words and figures "five thousand (5,000)."

## A BILL

For an act making appropriations for the Illinois Eastern Hospital for the Insane at Kankakee.

- SECTION 1. Be it enacted by the People of the State of Illinois, represented in the*
- 2 *General Assembly, That the following amounts be, and are hereby appropriated to*
- 3 *the Illinois Eastern Hospital for the Insane, at Kankakee, for the purposes herein-*
- 4 *after named, and for no other:*
5. For the construction and completion of two sections of the north wing, to accommo-
- 6 date one hundred and fifty female patients, one hundred and ten thousand dollars
- 7 (\$110,000).
- 8 For the construction of coal house, carriage house, stables, farm buildings, quarters
- 9 for employes, amusement hall, shops and other necessary outbuildings, eighteen
- 10 thousand dollars (\$18,00).
- 11 For roads, walks, grading, trees, shrubbery, and improvement of farm and grounds,
- 12 one thousand dollars (\$1,000.)
- 13 For the purchase of furniture, tools, implements and machinery, for use in shops,
- 14 kitchen, laundry, chapel, amusement hall and all other buildings erected or to be
- 15 from funds herein or heretofore appropriated, thirty thousand dollars (\$30,000).
- 16 For farm implements, stock, carriage for patients, wagons, buggy, harness, etc.,
- 17 three thousand five hundred dollars (\$3,500).
- 8 For fencing, fifteen hundred dollars (\$1,500).

§ 2. The trustees shall not contract for nor begin the erection of any building or  
2 buildings which cannot be fully completed within the amount of the present appro-  
3 priation; but they may use any unexpended balances of the appropriations herein  
4 or heretofore made for the better accomplishment of the purposes of this act,  
5 namely, to make the earliest and fullest provision for the insane of this state which  
6 may be expedient or possible.

§ 3. The moneys herein appropriated shall be due and payable to the trustees or  
2 their order only on the terms and in the manner now provided by law.



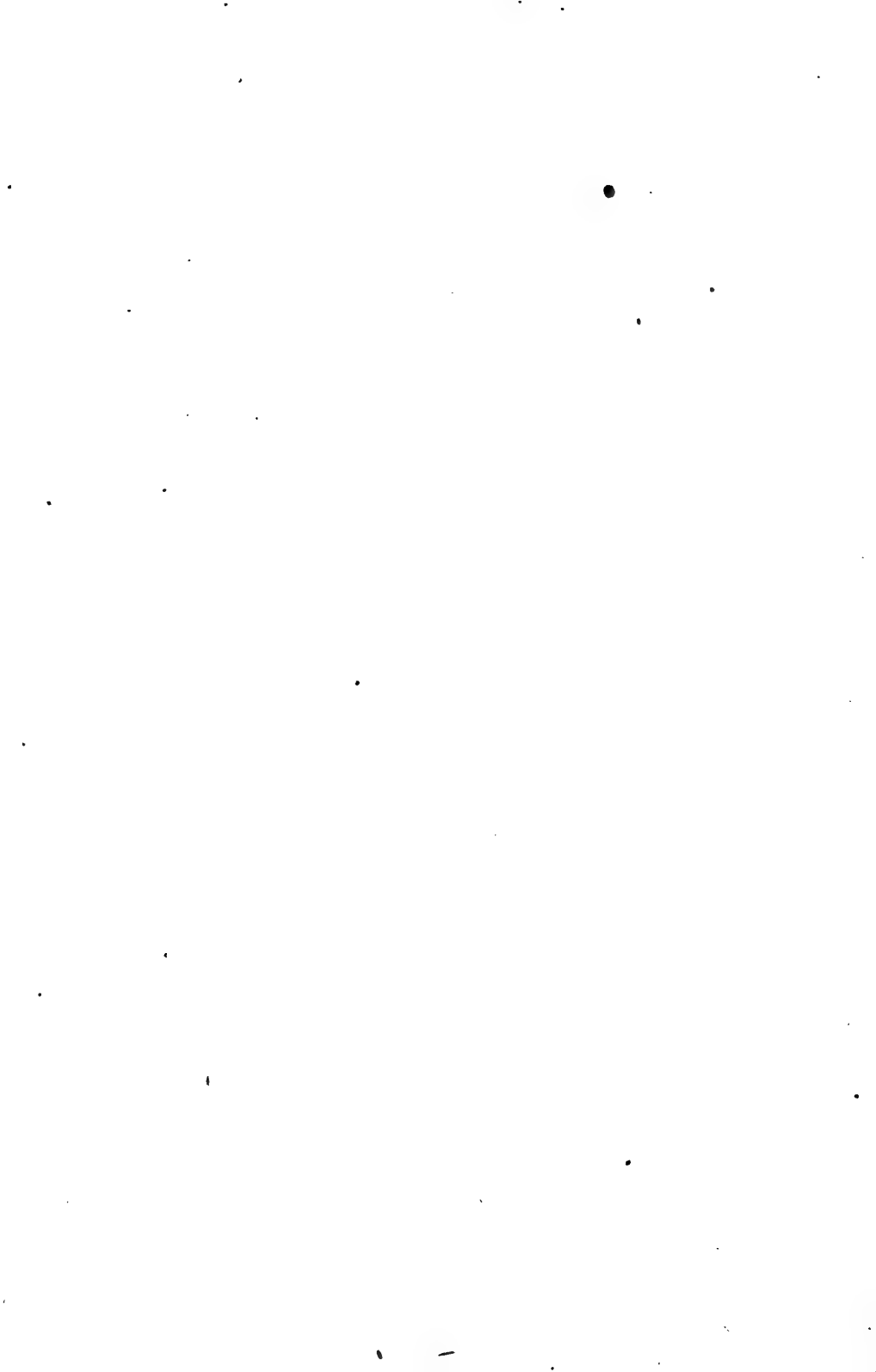
## (In House.)

1. Reported to House April 19, 1879.
  2. First reading April 19, and referred to Committee on Appropriations.
  3. Reported back with amendments, Passage recommended, and ordered to second reading April 26, 1879.
  4. May 5, recommitted to Committee on Appropriations.
  5. May 7, Reported back with amendments to pass as amended and ordered to second reading.
  6. May 21, second reading, amended and ordered to third reading.
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Senate Bill No. 373, amendment offered and adopted May 20, 1879.

- Amend by striking out the words "two sections" in fifth line of printed bill and insert "one section" also strike out the words "one hundred and fifty" in 6th line of printed bill and insert "seventy-five."
- Add to section 2: "*Provided*, no portion of any sum herein appropriated shall be diverted from the specific purpose for which it is appropriated."

W. B. TAYLOR, Clerk.



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(Substitute for Senate Bill No. 185.)

1. Introduced by Mr. Mayborne, from Committee on State Charitable Institutions, March 6, 1879, and ordered to first reading.
2. First reading March 6, 1879, and referred to Committee on Appropriations.
3. Reported back with amendments, passage recommended, and ordered to second reading March 14, 1879.

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Amendments to Senate Bill No. 374, recommended by Committee on Appropriations  
March 14, 1879.

- Amend by striking out the words "in advance" after the word "quarterly" in line  
2 four of section two of the written bill.
- 3 Amend by striking out the words "in advance" after the word "quarterly" in line  
4 seven in section two of the written bill.

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## A BILL

For an act making appropriations for the Illinois Southern Hospital for the Insane, at Anna.

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- SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General*  
2 *Assembly,* That in addition to the unexpended balance of twenty-four thousand dollars  
3 (\$24,000), which is hereby appropriated, there be and hereby is appropriated to the Illi-  
4 nois Southern Hospital for the Insane, at Anna, for ordinary expenses for the year  
5 commencing July 1, 1879, the sum of sixty-six thousand dollars (\$66,000), and the sum  
6 of ninety thousand dollars (\$90,000) per annum, thereafter, for ordinary expenses until  
7 the expiration of the first fiscal quarter after the adjournment of the next regular ses-



8 sion of the General Assembly, the sums herein appropriated, payable quarterly in ad-  
 9 vance.

§ 2. That for the purpose of making needed improvements and repairs, five thous-  
 2 and dollars (\$5,000) per annum, is hereby appropriated, payable quarterly, in advance.  
 3 For improvement of grounds, one thousand dollars (\$1,000) per annum, is hereby ap-  
 4 propriated, payable quarterly, in advance. For new kitchen, three thousand dollars  
 5 (\$3,000) is hereby appropriated. For water supply, two thousand five hundred dollars  
 6 (\$2,500) is hereby appropriated. For removal of old barn, one thousand dollars (\$1,000)  
 7 is hereby appropriated; and for extending sewer, one thousand five hundred dollars is  
 8 hereby appropriated.

§ 3. The Auditor of Public Accounts is hereby authorized to draw his warrant  
 2 upon the Treasurer for the moneys herein appropriated, upon the orders of the board  
 3 of trustees of said institution, signed by the president, and attested by the secretary,  
 4 with the seal of the institution thereto affixed, subject to the limitations and conditions  
 5 contained in an act entitled "An act to regulate the State Charitable Institutions and  
 6 State Reform School, and to improve their organization and increase their efficiency,"  
 7 approved April 15, 1875.

(Substitute for Senate Bill No. 185.)

1. Introduced by Mr. Mayborne, from Committee on State Charitable Institutions, March 6, 1879, and ordered to first reading.
2. First reading March 6, 1879, and referred to Committee on Appropriations.
3. Reported back with amendments, passage recommended, and ordered to a second reading March 14, 1879.
4. Second reading April 9, amended and ordered to a third reading.

## A BILL

For an act making appropriations for the Illinois Southern Hospital for the Insane, at Anna.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General*

2 *Assembly,* That in addition to the unexpended balance of twenty-four thousand dollars  
3 (\$24,000), which is hereby appropriated, there be and hereby is appropriated to the Illi-  
4 nois Southern Hospital for the Insane, at Anna, for ordinary expenses for the year  
5 commencing July 1, 1879, the sum of sixty-six thousand dollars (\$66,000), and the sum  
6 of ninety thousand dollars (\$90,000) per annum, thereafter, for ordinary expenses until  
7 the expiration of the first fiscal quarter after the adjournment of the next regular ses-  
8 sion of the General Assembly, the sums herein appropriated, payable quarterly in ad-  
9 vance.

§ 2. That for the purpose of making needed improvements and repairs, four thous-  
2 and dollars (\$4,000) per annum is hereby appropriated. For improvement of grounds,  
3 one thousand dollars (\$1,000) per annum is hereby appropriated. For new kitchen,  
4 three thousand dollars (3,000) is hereby appropriated. For water supply, two thousand  
5 five hundred dollars (2,500) is hereby appropriated. For removal of old barn, one thous-  
6 and dollars (\$1,000) is hereby appropriated; and for extending sewer, one thousand  
7 five hundred dollars is hereby appropriated.

§ 3. The Auditor of Public Accounts is hereby authorized to draw his warrant  
2 upon the Treasurer for the moneys herein appropriated, upon the orders of the board of

3 trustees of said institution, signed by the president, and attested by the secretary, with  
5 the seal of the institution thereto affixed, subject to the limitations and conditions con-  
6 tained in an act entitled "An act to regulate the State Charitable Institutions and State  
7 Reform School, and to improve their organization and increase their efficiency," ap-  
8 proved April 15, 1875.

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(In House.)

1. Reported to House April 19, 1879.
2. First reading April 19, and referred to Committee on Appropriations.
3. Reported back with amendments, passage recommended, and ordered to second reading May 14.

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Amendments to Senate Bill 374, offered by Committee on Appropriations, May 14, 1879 :

Amend section 1, by striking out the words and figures "sixty-six thousand dollars (\$66,000)," in tenth line of written bill, and insert in lieu thereof the words and figures "sixty-four thousand dollars (\$64,000)."

Amend same section by striking out the words and figures "ninety thousand dollars (\$90,000)" in eleventh (11) line of written bill, and insert in lieu thereof the words and figures "eighty eight thousand dollars (\$88,000)."

Amend section 2 by striking out the words and figures "three thousand dollars (\$ ,000)," in lines seven and eight of written bill, and insert in lieu thereof the words and figures "two thousand dollars (\$2,000)."

Amend same section by striking out the words and figures "one thousand dollars (\$1,000)," in line eleven written bill, and insert in lieu thereof the words and figures "five hundred dollars (\$500)."

W. B. TAYLOR, Clerk.

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## A BILL

For an act making appropriations for the Illinois Southern Hospital for the Insane, at Anna.

---

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General*

2 *Assembly, That in addition to the unexpended balance of twenty-four thousand dollars*

3 (\$24,000), which is hereby appropriated, there be and hereby is appropriated to the Illi-  
 4 nois Southern Hospital for the Insane, at Anna, for ordinary expenses for the year  
 5 commencing July 1, 1879, the sum of sixty-six thousand dollars (\$66,000), and the sum  
 6 of ninety thousand dollars (\$90,000) per annum, thereafter, for ordinary expenses until  
 7 the expiration of the first fiscal quarter after the adjournment of the next regular ses-  
 8 sion of the General Assembly, the sums herein appropriated payable quarterly in ad-  
 9 vance.

§ 2. That for the purpose of making needed improvements and repairs, four thous-  
 2 and dollars (\$4,000) per annum is hereby appropriated. For improvement of grounds,  
 3 one thousand dollars (\$1,000) per annum is hereby appropriated. For new kitchen,  
 4 three thousand dollars (\$3,000) is hereby appropriated. For water supply, two thousand  
 5 five hundred dollars (\$2,500) is hereby appropriated. For removal of old barn, one thous-  
 6 and dollars (\$1,000) is hereby appropriated; and for extending sewer, one thousand  
 7 five hundred dollars is hereby appropriated.

§ 3. The Auditor of Public Accounts is hereby authorized to draw his warrant  
 2 upon the Treasurer for the moneys herein appropriated, upon the orders of the board of  
 3 trustees of said institution, signed by the president, and attested by the secretary, with  
 4 the seal of the institution thereto affixed, subject to the limitations and conditions con-  
 5 tained in an act entitled "An act to regulate the State Charitable Institutions and State  
 6 Reform School, and to improve their organization and increase their efficiency."

Approved April 15, 1875.

(In House.)

1. Reported to House April 19, 1879.
2. First reading April 19, and referred to Committee on Appropriations.
3. Reported back with amendments, passage recommended and ordered to second reading, May 14.
4. Second reading, amended and ordered to third reading May 21.

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Amendment to Senate Bill No. 374, offered and adopted May 20, 1879.

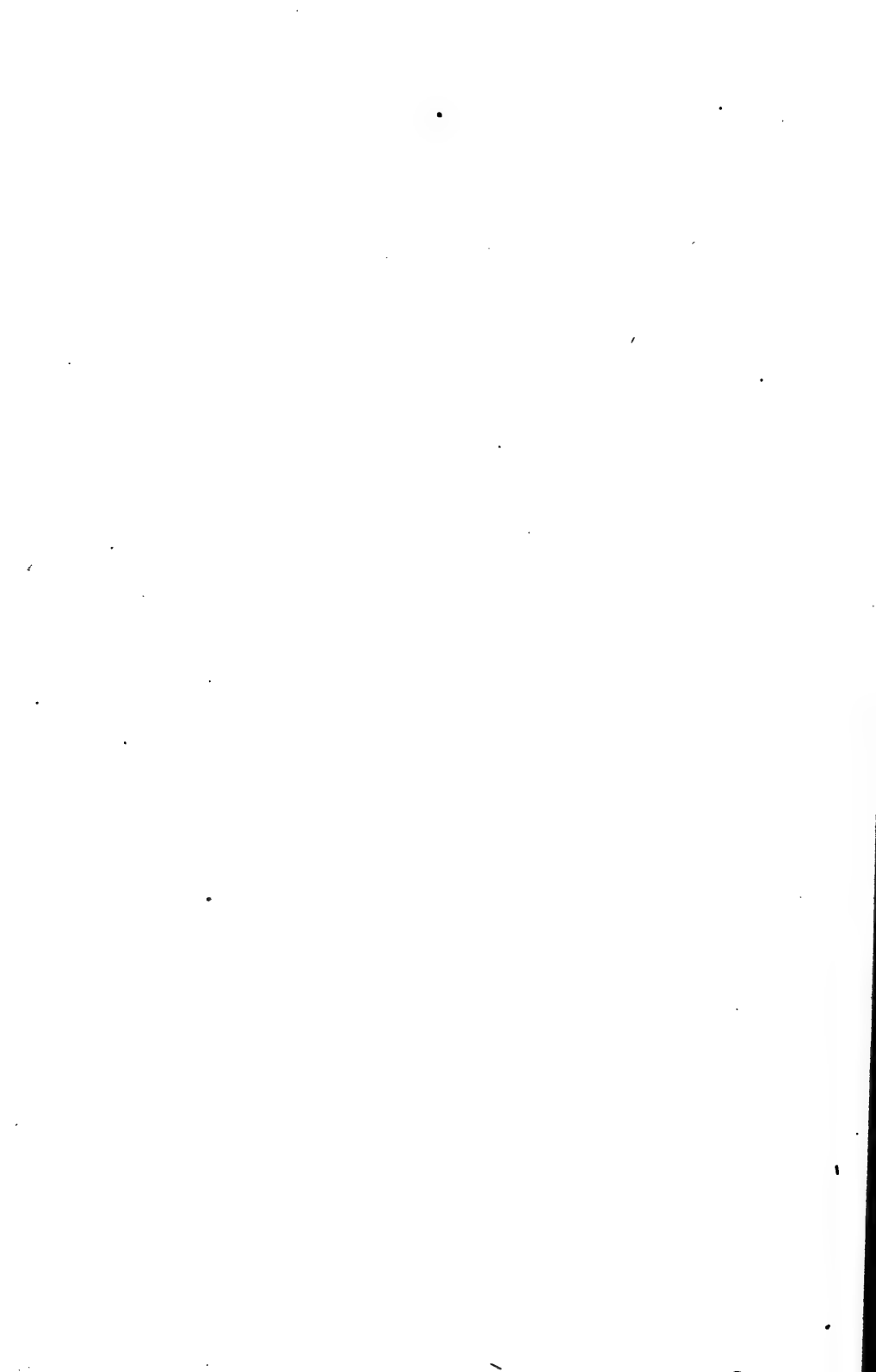
Substitute for first Committee amendment, printed bill: Strike out the words and

2 figures "sixty-four thousand dollars (\$64,000)," and insert "\$62,000."

3 Substitute for second Committee amendment: "Strike out \$82,000," and insert

4 "\$86,800."

W. B. TAYLOR, Clerk.



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Substitute for No. 271.

1. Introduced by Mr. Joslyn, from Committee on Appropriations, March 6, 1879, and ordered to first reading.
2. First reading March 8, 1879, and ordered to second reading.

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**A BILL.**

For an Act making appropriations for the necessary repairs and running expenses of the Illinois and Michigan Canal, until the expiration of the first fiscal quarter after the adjournment of the next General Assembly.

---

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That for the purpose of making necessary repairs, and providing means to put and keep the Illinois and Michigan Canal in navigable condition until after the adjournment of the next General Assembly, there is hereby appropriated from the State treasury for the first year, the sum of fifty thousand dollars (\$50,000), and for the second year the sum of seventy-five thousand and four hundred dollars (\$75,400), or so much of each as may be absolutely necessary for that purpose.

§ 2. Said appropriation shall be payable quarterly in advance, upon the warrant of the Auditor of Public Accounts, based upon the order of the board of canal commissioners, signed by their president, attested by their secretary and official seal, and approved by the Governor.

§ 3. Said board of canal commissioners shall keep an accurate and detailed account of all moneys received by them from every source, together with their disbursements and expenditures of every kind and nature, and at the end of each quarter transmit to the Auditor of Public Accounts a full and complete statement, showing in detail the



5 amount of money received during said preceding quarter from every source, and how,  
6 and to whom the same has been disbursed.

• 2 § 4. The earnings of said canal and river improvements, of every kind and nature,  
3 whether from tolls, leases, rents or sales of lands, shall be paid into the State treasury  
4 monthly, and no part of the sum hereby appropriated, nor part of any sum now in the  
5 or control of the commissioners of the said Illinois and Michigan Canal shall be used  
6 for the payment of any attorney or attorneys employed in any suit to recover possession of the property known as the "Lake Front," in the city of Chicago.

## Substitute for No. 271.

1. Introduced by Mr. Joslyn, from Committee on Appropriations March 6, and ordered to first reading.
2. First reading March 8, and ordered to second reading.
3. March 19, second reading, special order for March 26.
4. March 26, amended and ordered to third reading.

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A BILL

For an Act making appropriations for the necessary repairs and running expenses of the Illinois and Michigan Canal, until the expiration of the first fiscal quarter after the adjournment of the next General Assembly.

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SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That for the purpose of making necessary repairs, and providing means to put and keep the Illinois and Michigan Canal in navigable condition until after the adjournment of the next General Assembly, there is hereby appropriated from the State treasury for the first year, the sum of thirty thousand dollars (\$30,000), and for the second year the sum of thirty thousand dollars (\$30,000), or so much of each as may be absolutely necessary for that purpose.*

§ 2. The appropriations made by this act shall only be paid upon detailed statements made by the canal commissioners, filed with the auditor, bearing the order of the canal commissioners and the approval of the Governor.

§ 3. Said board of canal commissioners shall keep an accurate and detailed account of all moneys received by them from every source, together with their disbursements and expenditures of every kind and nature, and at the end of each quarter transmit to the Auditor of Public Accounts a full and complete statement, showing in detail the

5 amount of money received during said preceding quarter from every source, and how,  
6 and to whom the same has been disbursed.

§ 4. No part of the sum hereby appropriated, nor part of any sum now in the  
2 hands or control of the commissioners of the said Illinois and Michigan Canal shall be  
3 used for the payment of any attorney or attorneys employed in any suit to recover pos-  
4 session of the property known as the "Lake Front," in the city of Chicago.

(In House.)

1. Reported to House April 17, 1879.
2. First reading April 19, and referred to Committee on Appropriations.
3. Reported back, passage recommended, and ordered to second reading April 24.

## A BILL

For an act making appropriations for the necessary repairs and running expenses of the Illinois and Michigan Canal, until the expiration of the first fiscal quarter after the adjournment of the next General Assembly.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly*, That for the purpose of making necessary repairs, and providing means to put and keep the Illinois and Michigan Canal in navigable condition until after the adjournment of the next General Assembly, there is hereby appropriated from the State treasury for the first year, the sum of thirty thousand dollars (\$30,000), and for the second year the sum of thirty thousand dollars (\$30,000), or so much of each as may be absolutely necessary for that purpose.

§ 2. The appropriations made by this act shall only be paid upon detailed statements made by the canal commissioners, filed with the Auditor, bearing the order of the canal commissioners and the approval of the Governor.

§ 3. Said board of canal commissioners shall keep an accurate and detailed account of all moneys received by them from every source, together with their disbursements and expenditures of every kind and nature, and at the end of each quarter transmit to the Auditor of Public Accounts a full and complete statement, showing in detail the amount of money received during said preceding quarter from every source, and how, and to whom the same has been disbursed.

§ 4. No part of the sum hereby appropriated, nor part of any sum now in the hands  
2 or control of the commissioners of the said Illinois Michigan Canal shall be used for the  
3 payment of any attorney or attorneys employed in any suit to recover possession of the  
4 property known as the "Lake Front," in the city of Chicago.

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(In House.)

1. Reported from House April 17, 1879.
2. First reading April 19, and referred to Committee on Appropriations.
3. Reported back, passage recommended and ordered to second reading April 24.
4. Second reading, amended and ordered to third reading April 30.

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Amendment to Senate Bill No. 375.

Amend Section one by adding the following proviso: "*Provided*, that no portion of

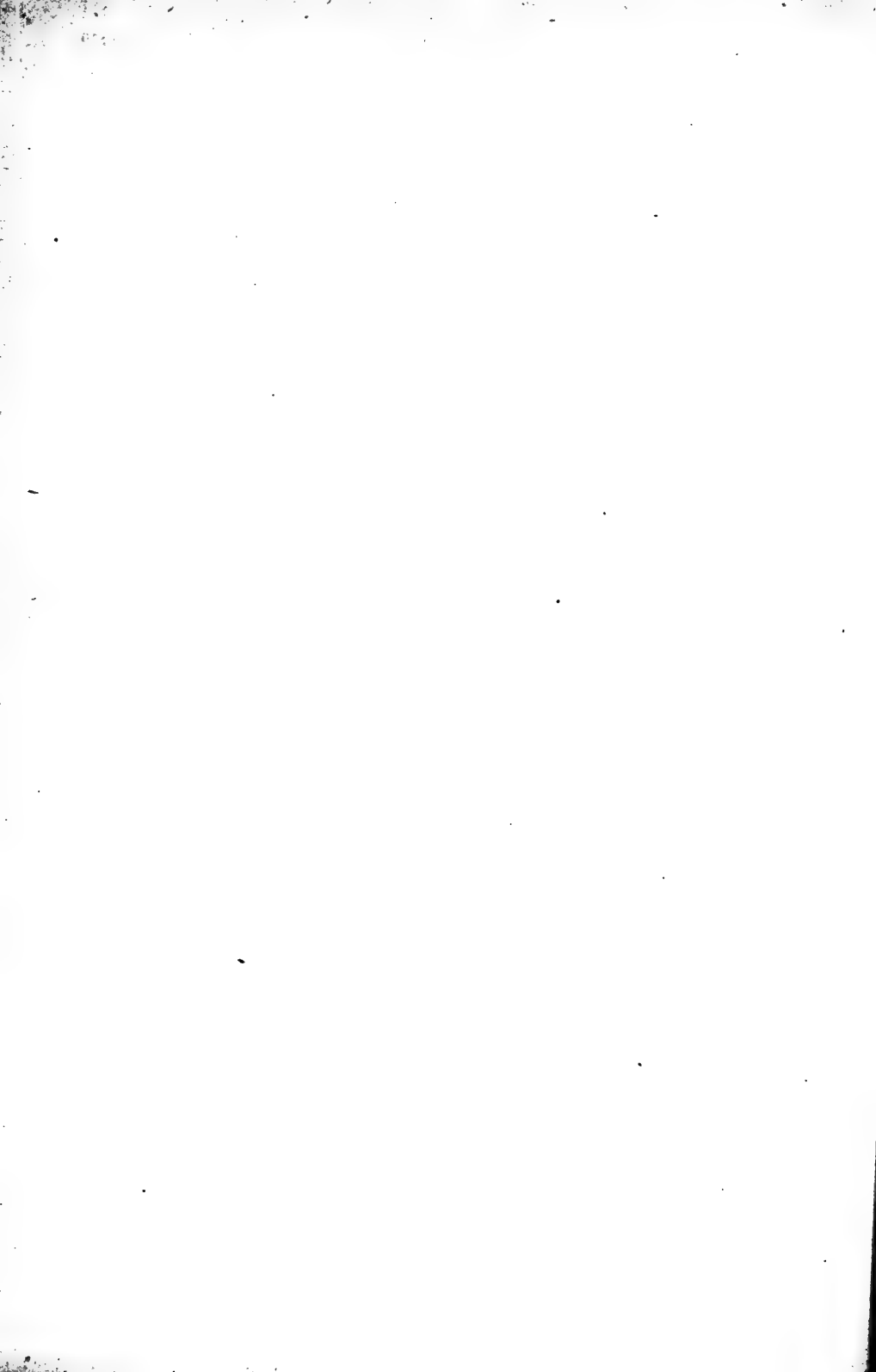
2 the money hereby appropriated shall be used for the purposes above specified until all

3 the surplus earnings of the canal have been fully exhausted in making needed repairs and

4 defraying necessary expenses of operating the said canal."

The foregoing amendment was adopted by the House of Representatives, April 30, 1879.

W. B. TAYLOR, Clerk.



## Substitute for No. 140.

1. Introduced by Mr. Thomas from Committee on Mines and Mining, March 7, 1879, and ordered to first reading.
2. First reading March 8, 1879, and ordered to second reading.

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A BILL

For an act to amend sections four, six, seven, eight, ten, eleven and thirteen of an act entitled "An Act providing for the safety of persons employed in coal mines," approved March 27, 1872.

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SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That sections four, six, seven, eight, ten, eleven and thirteen of an act entitled "An Act providing for the safety of persons employed in coal mines," approved March 27, 1872, be and the same are hereby amended so as to read as follows:

SECTION 4. The owner or agent of every coal mine, whether operating shaft, slope or drift, shall provide and maintain for every such mine an amount of ventilation of not less than one hundred cubic feet per minute per person employed in said mine and as much more as the inspector may deem necessary, which shall be forced and circulated to face of every working place throughout the mine, so that said mine shall be free from standing gas of whatsoever kind; and in all mines where fire damp is generated, every working place shall be examined every morning with a safety lamp by a competent person before any of the workmen are allowed to enter. The ventilation required by this section, may be produced by any suitable appliances, but in case a furnace shall be used for ventilating purposes it shall be built in such a manner as to prevent the communication of fire to any part of the works by lining the upcast with incombustible material for a sufficient distance up from said furnace.

§ 6. The owner or agent of every coal mine, operated by shaft, shall provide suitable means of signaling between the bottom and top thereof, and shall also provide safe



means of hoisting and lowering persons in a cage, covered with boiler iron, so as to keep safe, as far as possible persons descending into and ascending out of such shaft, and such cage shall be furnished with guides to conduct it on slides through such shaft, with a sufficient brake on every drum to prevent accident in case of the giving out or breaking of the machinery, and such cage shall be furnished with spring catches, intended and provided, as far as possible, to prevent the consequences of cable breaking, loosening or disconnecting of the machinery, and no props nor rails shall be lowered in a cage while men are descending into or ascending out of said mine. No person under the age of twelve years, or females of any age, shall be permitted to enter any mine to work therein; nor shall any boy under the age of fourteen, unless he can read and write, be allowed to work in any mine. The neglect or refusal of any party or person to perform the duties required to be performed by sections four, five, six, seven and eight, by the parties therein required to perform the same shall be taken and deemed guilty of a misdemeanor, committed by them, or any or either of them, and shall be punished by imprisonment, or fined, at the discretion of the court trying the same subject, however, to the limitations as provided by section ten of this act.

§ 7. No owner or agent of any coal mine, operated by shaft or slope, shall place in charge of any engine, whereby men are lowered into or hoisted out of the mines, any but an experienced, competent and sober person, not under the age of eighteen years; and no person shall ride upon a loaded cage or wagon used for hoisting purposes, in shaft or slope; nor shall any coal be hoisted out of any coal mine while the persons are descending into such coal mine; and the number of persons to ascend out of, or descend into, any coal mine on one cage, shall be determined by the proprietor; the maximum number so fixed, shall not be less than four nor more than twelve; nor shall they lower into, nor hoist out of, more rapidly than six hundred feet to the minute.

§ 8. All boilers used in generating steam in and about coal mines, shall be kept in good order, and the agent or owner, as aforesaid, shall have said boilers examined and inspected by a competent boiler maker, as often as once every six months, and oftener, if needed, and the result of every such examination shall be certified, in writing, to the mine inspector; and the top of each and every shaft, and the entrance to each and every intermediate working vein, shall be securely fenced by gates, properly covering and protecting such shaft and entrance thereto; and the entrance to every abandoned

8 slope, air, or other shaft, shall be securely fenced off; and every steam boiler shall be  
 9 provided with a proper steam guage, water guage, and safety valve, and all under  
 10 ground, self-acting or engine planes or gangways, on which coal cars are drawn and  
 11 persons travel, shall be provided with some proper means of signaling between the  
 12 stopping places and the end of such planes or gangways, and sufficient places of refuge  
 13 at the sides of such planes or gangways shall be provided at intervals of not more than  
 14 twenty feet apart.

§ 10. In all cases in which punishment is provided for by fine or imprisonment,  
 2 under this act, for a breach of any of its provisions, the fine for a first offense shall not  
 3 be less than fifty dollars, and not more than two hundred dollars, and for the second  
 4 offense, not less than one hundred dollars, nor more than five hundred dollars, and  
 5 the imprisonment not less than ten days, nor more than six months, or either or both,  
 6 at the discretion of the court trying the same, except as specially provided in section  
 7 nine of this act.

§ 11. The county board, in each and every county in this State, in which mining  
 2 is now or may be hereafter carried on is hereby authorized, and it is made their duty  
 3 to appoint an inspector of mines, at its September meeting, who shall have been a  
 4 resident of the county for which he is appointed for one year previous to his appoint-  
 5 ment. He shall be required to enter into a bond to the county board of said county  
 6 for a sum not less than one thousand dollars, nor more than three thousand dollars,  
 7 conditioned upon the due and faithful performance of his duties; said bond to be  
 8 accompanied by good and sufficient security, to be approved by the said county board.  
 9 He shall also take an oath of office, as provided for by the constitution, and he shall  
 10 be required to furnish satisfactory evidence that he has had sufficient practical expe-  
 11 rience in and around the mines to discharge the duties of said office, and to see that  
 12 the provisions of this act are faithfully complied with. He shall not be interested as  
 13 owner, stockholder or superintendent in any mine during his term of office, which shall  
 14 be one year; but he may be reappointed as often as the county board may think proper.  
 15 The county board of such counties shall fix the number of days to be employed by the  
 16 county inspector in inspecting the different mines in his county, and enter the same  
 17 upon the records of said board. He shall receive such compensation for his time  
 18 actually employed in the performance of the duties of his office, to be verified by his  
 19 affidavit, to be not less than three dollars, nor more than five dollars per day, to be

20 paid out of the county treasury. The county board shall also provide an anemometer  
 21 and all necessary instruments for testing the air, and in all cases where the inspector  
 22 finds the provisions of this act, or any of them not complied with in operating any  
 23 mine, it is made his duty to demand and, if necessary, compel by law from the owners  
 24 or operators of such mine all expenses of said inspection, as provided in section two of  
 25 this act: *Provided, however,* that in all cases where the county board fail or refuse  
 26 to appoint a competent or experienced inspector, or where the said inspector fails to  
 27 attend to or perform the duties of his office in accordance with the meaning and intent  
 28 of this act, the circuit judge of said county shall, at the request of any ten citizens of  
 29 said county, and upon proper proof of the incompetency or neglect of said inspector to  
 30 properly perform the duties of his office, remove the said inspector and appoint a prop-  
 31 erly qualified person to perform the duties of said inspector for the unexpired term.

§ 18: It shall be lawful for the inspector provided for in this act to enter, examine  
 2 and inspect any and all coal mines and machinery belonging thereto, at all reasonable  
 3 times, by day or night, but so as not to obstruct or hinder the necessary workings of  
 4 such coal mines; and the owner of every such coal mine is hereby required to furnish  
 5 all necessary facilities for entering examination and inspection; and if the said agent  
 6 or owner aforesaid, shall refuse to permit such inspection, or to furnish the necessary  
 7 facilities for such entry, examination and inspection, the inspector shall file his affidavit,  
 8 setting forth such refusal, with the judge of the Circuit Court in said county in which  
 9 said mine is situated, either in term time or vacation, or in the absence of said judge,  
 10 with the Master in Chancery in said county in which said mine is situated, and obtain  
 11 an order on such owner or agent so refusing, as aforesaid, commanding him to permit  
 12 and furnish such necessary facilities for the inspection of such coal mines, or to be ad-  
 13 judged to stand in contempt of court, and punished accordingly, and if the said inspec-  
 14 tor shall, after examination of any coal mine and the works and machinery pertaining  
 15 thereto, find the same to be worked contrary to the provisions of this act, or unsafe for  
 16 the workmen therein employed, said inspector shall, through the State's Attorney of  
 17 his county, or any other attorney, in case of his refusal to act, acting in the name and in  
 18 behalf of the State, proceed against the owner or agent of such coal mine, by injunction,  
 19 without bond, after giving at least two days notice to such owner or agent, and said  
 20 owner or agent shall have the right to appear before the judge or master to whom the

21 application is made, who shall hear the same and affidavits in support thereof, as well  
22 as affidavits in opposition; and if sufficient cause appear, the court or judge, in vaca-  
23 tion, by order, shall prohibit the further workings of any such coal mine in which per-  
24 sons may be unsafely employed, contrary to the provisions of this act, until the same  
25 shall have been made safe, and the requirements of this act shall have been complied  
26 with, and the court shall award such costs in the matter of the said injunction, as may  
27 be just; but any such proceedings so commenced, shall be without prejudice to any  
28 other remedy permitted by law for enforcing the provisions of this act.

§ 16. The owner or agent of any coal mine shall keep a sufficient supply of timber  
2 where required to be used as props at or near the place of each working place, so that  
3 the workmen may at all times be able to properly secure the said workings from  
4 caving in.

§ 17. All acts or parts of acts inconsistent with the provisions of this act are, and  
2 the same are hereby repealed.



1. Introduced by Mr. Johnson March 7, 1879, and ordered to first reading.
2. First reading March 7, 1879, and referred to Committee on Municipalities.
3. Reported back, passage recommended, and ordered to second reading March 12.

---

### A BILL

For an act to amend an act entitled "An Act to establish houses of correction and authorize the confinement of convicted persons therein;" approved April 25, 1871, in force July 1, 1871.

---

*Be it enacted by the People of the State of Illinois, represented in the General Assembly,*

2 That sections one (1), five (5), eight (8) and thirteen (13) of "An Act to estab-  
3 lish houses of correction and authorize the confinement of convicted persons therein,"  
4 shall be and are hereby amended, so that said sections as amended shall read respectively  
5 as follows:

SECTION 1. It shall be lawful for the municipal authorities of any city within this  
2 State to establish a house of correction which shall be used for the confinement and  
3 punishment of criminals, or persons sentenced or committed thereto under the provisions  
4 of this act, or any law of this State, or ordinance of any city or village authorizing the  
5 confinement of convicted persons in any such house of correction.

§ 5. The books of said house of correction shall be so kept as to clearly exhibit the  
2 state of the prisoners, the number received and discharged, the number employed as  
3 servants, or in cultivating or improving the premises, the number employed in each  
4 branch of industry carried on, and the receipts from, and expenditures for, and on  
5 account of, each department of business or for improvement of the premises. A quar-  
6 terly statement shall be made out, which shall specify minutely all receipts and expen-  
7 ditures, from whom received and to whom paid, and for what purpose; proper vouch-  
8 ers for each to be audited and certified by the inspectors, and submitted to the comp-

9 troller of said city, and by him to the legislative authority thereof, for examination and  
 10 approval. The accounts of said house of correction shall be annually closed and bal-  
 11 anced on the first day of January of each year, and a full report of the operations of  
 12 the preceding year shall be made out and submitted to the legislative authority of  
 13 said city, and to the Governor of the State, to be by him transmitted to the General  
 14 Assembly.

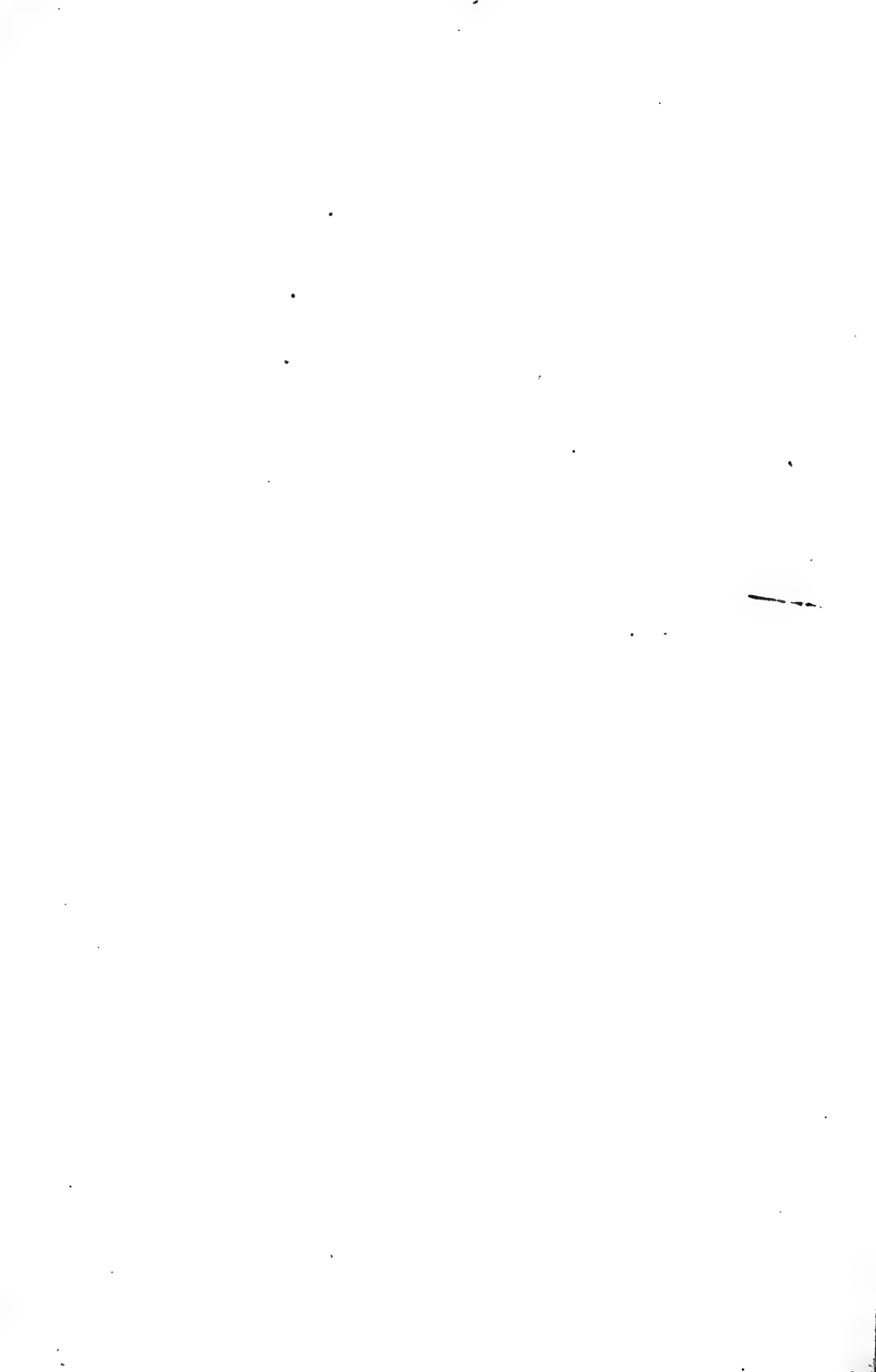
§ 8. The board of supervisors or commissioners of any county, and the board of  
 2 trustees of any village or town in any county in this State in which a house of correc-  
 3 tion is established, shall have full power and authority to enter into an agreement with  
 4 the legislative authority of such city, or with any authorized agent or officer, in behalf  
 5 of such city, to receive and keep in said house of correction any person or persons who  
 6 may be sentenced or committed thereto by any court or magistrate in any of said  
 7 counties. Whenever such agreement shall have been made, it shall be the duty of the  
 8 board of supervisors or commissioners of any county in behalf of which such agreement  
 9 shall have been made, or of the trustees of the village or town in behalf of which such  
 10 agreement has been made, as the case may be, to give public notice thereof in some  
 11 newspaper, printed and published within said county, for a period not less than four  
 12 weeks, and such notice shall state the period of time for which such agreement will  
 13 remain in force.

§ 9. In counties, towns and villages having such agreement with any such city, it  
 2 shall be the duty of every court, police justice, justice of the peace or other magistrate  
 3 in such county, town or village, by whom any person, for any crime or misdemeanor  
 4 punishable by imprisonment in the county jail, shall be convicted, to commit such per-  
 5 son to the said house of correction, in lieu of committing him to the county jail, village  
 6 or town calaboose, there to be received and kept in the manner prescribed by law and  
 7 the discipline of said house of correction; and it shall be the duty of such court, police  
 8 justice, justice of the peace or other magistrate, by a warrant of commitment duly  
 9 issued, to cause such person so sentenced to be forthwith conveyed, by some proper  
 10 officer, to said house of correction.

§ 13. The expenses of maintaining any such house of correction, over and above all  
 2 receipts for the labor of persons confined therein, and all such sums of money as may  
 3 be received, from time to time, by virtue of any and all agreements for the board and

4 care of any prisoners, with any county, city, town or village, or with the United States,  
5 or by virtue of any act of the Legislature of the State, or of any ordinance of any  
6 city in which such house of correction may have been established, appropriating  
7 to the uses of said house of correction any moneys received by any such city, for the  
8 right or privilege to vend or sell spiritous, vinous or fermented liquors within said city,  
9 shall be audited and paid, from time to time, by the legislative authority of such city,  
10 and shall be raised, levied and collected as the ordinary expenses of said city; but any  
11 and all moneys accruing from any of the above sources, and not expended at the ter-  
12 mination of any fiscal year, shall be retained by said city, for the uses and benefit of  
13 said house of correction.





1. Introduced by Mr. Johnson March 7, 1879, and ordered to first reading.
2. First reading March 7, and referred to Committee on Municipalities.
3. Reported back, passage recommended, and ordered to second reading March 12.
4. April 16, second reading, amended and ordered to third reading.

---

## A BILL

For an act to amend an act entitled "An act to establish houses of correction and authorize the confinement of convicted persons therein," approved April 25, 1871; in force July 1, 1871.

---

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That sections one (1), five (5), eight (8) and thirteen (13) of "An act to establish houses of correction and authorize the confinement of convicted persons therein," shall be and are hereby amended, so that said sections as amended shall read respectively as follows:

"SECTION 1. It shall be lawful for the municipal authorities of any city within this State to establish a house of correction which shall be used for the confinement and punishment of criminals or persons sentenced or committed thereto under the provisions of this act, or any law of this State, or ordinance of any city or village authorizing the confinement of convicted persons in any such house of correction."

§ 5. The books of said house of correction shall be so kept as to clearly exhibit the state of the prisoners, the number received and discharged, the number employed as servants, or in cultivating or improving the premises, the number employed in each branch of industry carried on, and the receipts from, and expenditures for, and on account of, each department of business or for improvement of the premises. A quarterly statement shall be made out, which shall specify minutely all receipts and expen-

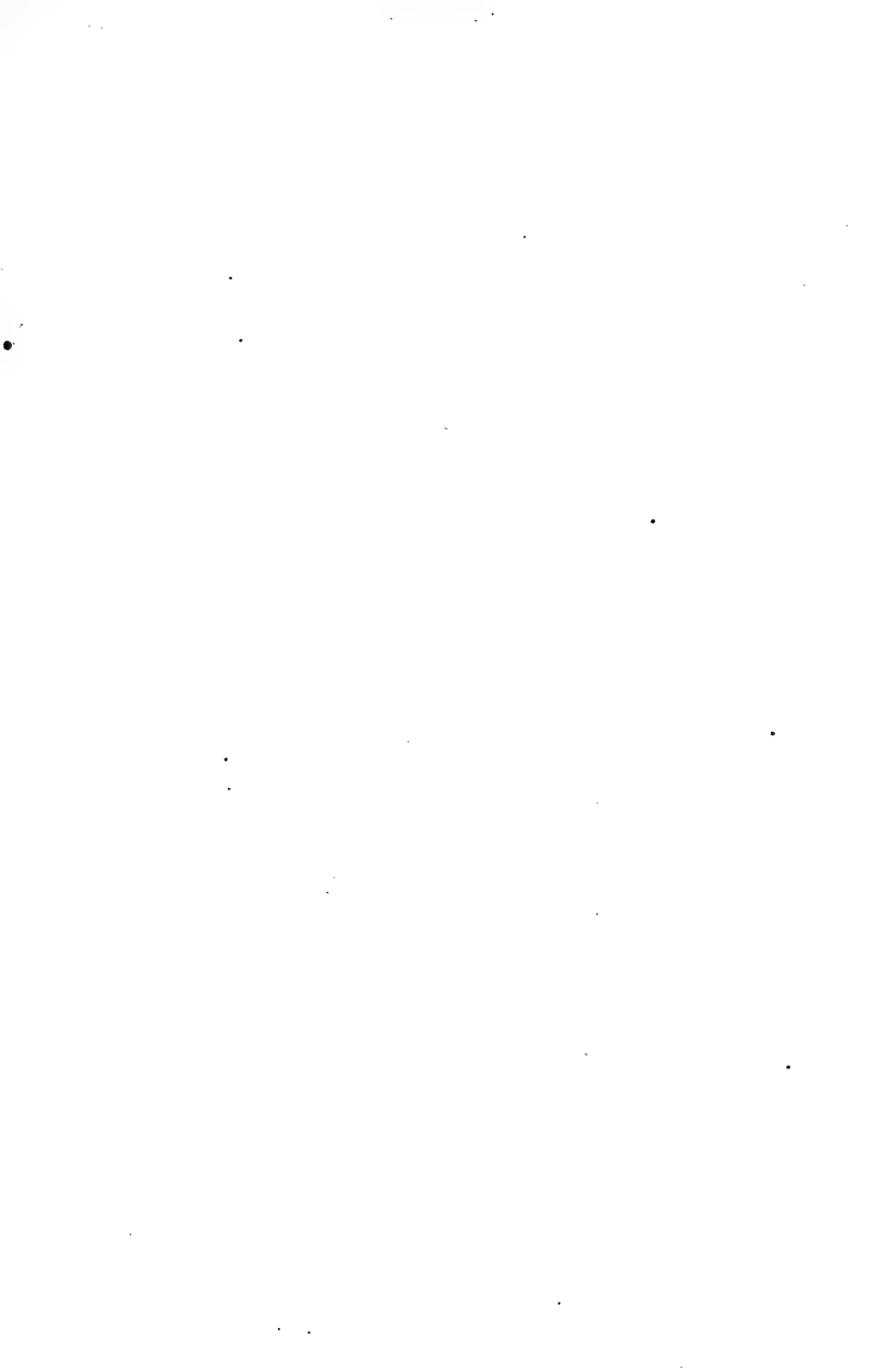
7 datures, from whom received and to whom paid, and for what purpose; proper vouchers  
 8 ers for each to be audited and certified by the inspectors, and submitted to the comp-  
 9 troler of said city, and by him to the legislative authority thereof, for examination and  
 10 approval. The accounts of said house of correction shall be annually closed and bal-  
 11 anced on the first day of January of each year, and a full report of the operations of  
 12 the preceding year shall be made out and submitted to the legislative authority of  
 13 said city, and to the Governor of the State, to be by him transmitted to the General  
 14 Assembly."

"§ 8. The board of supervisors or commissioners of any county, and the board of  
 2 trustees of any village or town in any county in this State in which a house of correc-  
 3 tion is established, shall have full power and authority to enter into an agreement with  
 4 the legislative authority of such city, or with any authorized agent or officer, in behalf  
 5 of such city, to receive and keep in said house of correction any person or persons who  
 6 may be sentenced or committed thereto by any court or magistrate in any of said  
 7 counties. Whenever such agreement shall have been made, it shall be the duty of the  
 8 board of supervisors or commissioners of any county in behalf of which such agreement  
 9 shall have been made, or of the trustees of the village or town in behalf of which such  
 10 agreement has been made, as the case may be, to give public notice thereof in some  
 11 newspaper, printed and published within said county, for a period not less than four  
 12 weeks, and such notice shall state the period of time for which such agreement will  
 13 remain in force."

"§ 9. In counties, towns and villages having such agreement with any such city, it  
 2 shall be the duty of every court, police justice, justice of the peace or other magistrate  
 3 in such county, town or village, by whom any person, for any crime or misdemeanor,  
 4 punishable by imprisonment in the county jail, shall be convicted, to commit such per-  
 5 son to the said house of correction, in lieu of committing him to the county jail, village  
 6 or town calaboose, there to be received and kept in the manner prescribed by law and  
 7 the discipline of said house of correction; and it shall be the duty of such court, police  
 8 justice, justice of the peace or other magistrate, by a warrant of commitment, duly is-  
 9 sued, to cause such person so sentenced, to be forthwith conveyed, by some proper officer,  
 10 to said house of correction."

"§ 13. The expenses of maintaining any such house of correction, over and above all

2 receipt for the labor of persons confined therein, and all such sums of money as may  
3 be received, from time to time, by virtue of any and all agreements for the board and  
4 care of any prisoners, with any county, city, town or village, or with the United States,  
5 or by virtue of any act of the Legislature of the State, or by virtue of any ordinance  
6 appropriating to the uses of said house of correction any moneys received by any such  
7 city, for the right or privilege to vend or sell spiritous, vinous or fermented liquors  
8 within said city, shall be audited and paid, from time to time, by the legislative au-  
9 thority of such city, and shall be raised, levied and collected as the ordinary expenses  
10 of said city; but any and all moneys accruing from any of the above sources, and not  
11 expended at the termination of any fiscal year, shall be retained by said city, for the  
12 uses and benefit of said house of correction.



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(In House.)

1. Reported to House April 30, 1879.
2. First reading May 6, and referred to Committee on Penitentiary.
3. Reported back, passage recommended and ordered to second reading May 9.

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## A BILL

For an act to amend "An act to establish houses of correction and authorize the confinement of convicted persons therein," approved April 25, 1871; in force July 1, 1871.

---

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That sections one (1), five (5), eight (8) and thirteen (13) of "An act to establish houses of correction, and authorize the confinement of convicted persons therein," shall be and are hereby amended so that said sections, as amended, shall read respectively as follows:*

"SECTION 1. It shall be lawful for the municipal authorities of any city within this State to establish a house of correction which shall be used for the confinement and punishment of criminals or persons sentenced or committed thereto under the provisions of this act, or any law of this State, or ordinance of any city or village authorizing the confinement of convicted persons in any such house of correction."

§ 5. The books of said house of correction shall be so kept as to clearly exhibit the state of the prisoners, the number received and discharged, the number employed as servants, or in cultivating or improving the premises, the number employed in each branch of industry carried on, and the receipts from, and expenditures for, and on account of, each department of business or for improvement of the premises. A quarterly statement shall be made out, which shall specify minutely all receipts and expenditures, from whom received and to whom paid, and for what purpose; proper vouch-

ers for each to be audited and certified by the inspectors, and submitted to the comptroller of said city, and by him to the legislative authority thereof, for examination and approval. The accounts of said house of correction shall be annually closed and balanced on the first day of January of each year, and a full report of the operations of the preceding year shall be made out and submitted to the legislative authority of said city, and to the Governor of the State, to be by him transmitted to the General Assembly."

"§ 8. The board of supervisors or commissioners of any county, and the board of trustees of any village or town in any county in this State in which a house of correction is established, shall have full power and authority to enter into an agreement with the legislative authority of such city, or with any authorized agent or officer, in behalf of such city, to receive and keep in said house of correction any person or persons who may be sentenced or committed thereto by any court or magistrate in any of said counties. Whenever such agreement shall have been made, it shall be the duty of the board of supervisors or commissioners of any county in behalf of which such agreement shall have been made, or of the trustees of the village or town in behalf of which such agreement has been made, as the case may be, to give public notice thereof in some newspaper, printed and published within said county, for a period not less than four weeks, and such notice shall state the period of time for which such agreement will remain in force."

"§ 9. In counties, towns and villages having such agreement with any such city, it shall be the duty of every court, police justice, justice of the peace or other magistrate in such county, town or village, by whom any person, for any crime or misdemeanor, punishable by imprisonment in the county jail, shall be convicted, to commit such person to the said house of correction, in lieu of committing him to the county jail, village or town calaboose, there to be received and kept in the manner prescribed by law and the discipline of said house of correction; and it shall be the duty of such court, police justice, justice of the peace or other magistrate, by a warrant of commitment, duly issued, to cause such person so sentenced, to be forthwith conveyed, by some proper officer, to said house of correction."

"§ 10. The expense of maintaining any such house of correction, over and above all receipts for the labor of persons confined therein, and all such sums of money as may

3 be received, from time to time, by virtue of any and all agreements for the board and  
4 care of any prisoners, with any county, city, town or village, or with the United States;  
5 or by virtue of any act of the Legislature of the State, or by virtue of any ordinance  
6 appropriating to the uses of said house of correction any moneys received by any such  
7 city, for the right or privilege to vend or sell spirituous, vinous or fermented liquors  
8 within said city, shall be audited and paid, from time to time, by the legislative  
9 authority of such city, and shall be raised, levied and collected as the ordinary expenses  
10 of said city; but any and all moneys accruing from any of the above sources, and not  
11 expended at the termination of any fiscal year, shall be retained by said city for the  
12 uses and benefits of said house of correction.





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Substitute for No. 280.

1. Introduced by Mr. Bash, from Committee on Railroads, March 8, 1879, and ordered to first reading.
2. First reading March 8, 1879, and ordered to second reading.

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**A BILL**

For an act for the protection of railroad passengers.

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SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That every railroad corporation doing business in this State shall provide at each of their stations where passengers are received and let off their cars, a platform at least one hundred feet long and eight wide, sufficiently close to the track to enable passengers to alight thereon.

§ 2. Passengers shall in no case be compelled to get off cars between two trains without a space of at least eight feet between such trains.

§ 3. Any railroad company in this State failing to comply with the provisions of the first section herein, after this act shall go into effect, and within ninety days after notice in writing of its failure to comply with the provisions of said section shall have been served upon any agent of said railroad by any persons feeling themselves aggrieved, shall pay for each and every day it shall neglect to comply with the provisions of the first section herein, the sum of fifty dollars, to be recovered in an action of debt before any justice of the peace in the name of the People of the State of Illinois.

§ 4. Any railroad company in this State violating the provisions of section two of this act, shall pay a fine for every offense on the complaint of any person aggrieved, in the sum of fifty dollars, to be recovered before any justice of the peace in the name of the People of the State of Illinois.



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Substitute for No. 280.

1. Introduced by Mr. Bash, from Committee on Railroads, March 8, and ordered to first reading.
2. First reading March 8, and ordered to second reading.
3. Second reading April 2, amended and ordered to third reading.

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## A BILL

For an act for the protection of railroad passengers.

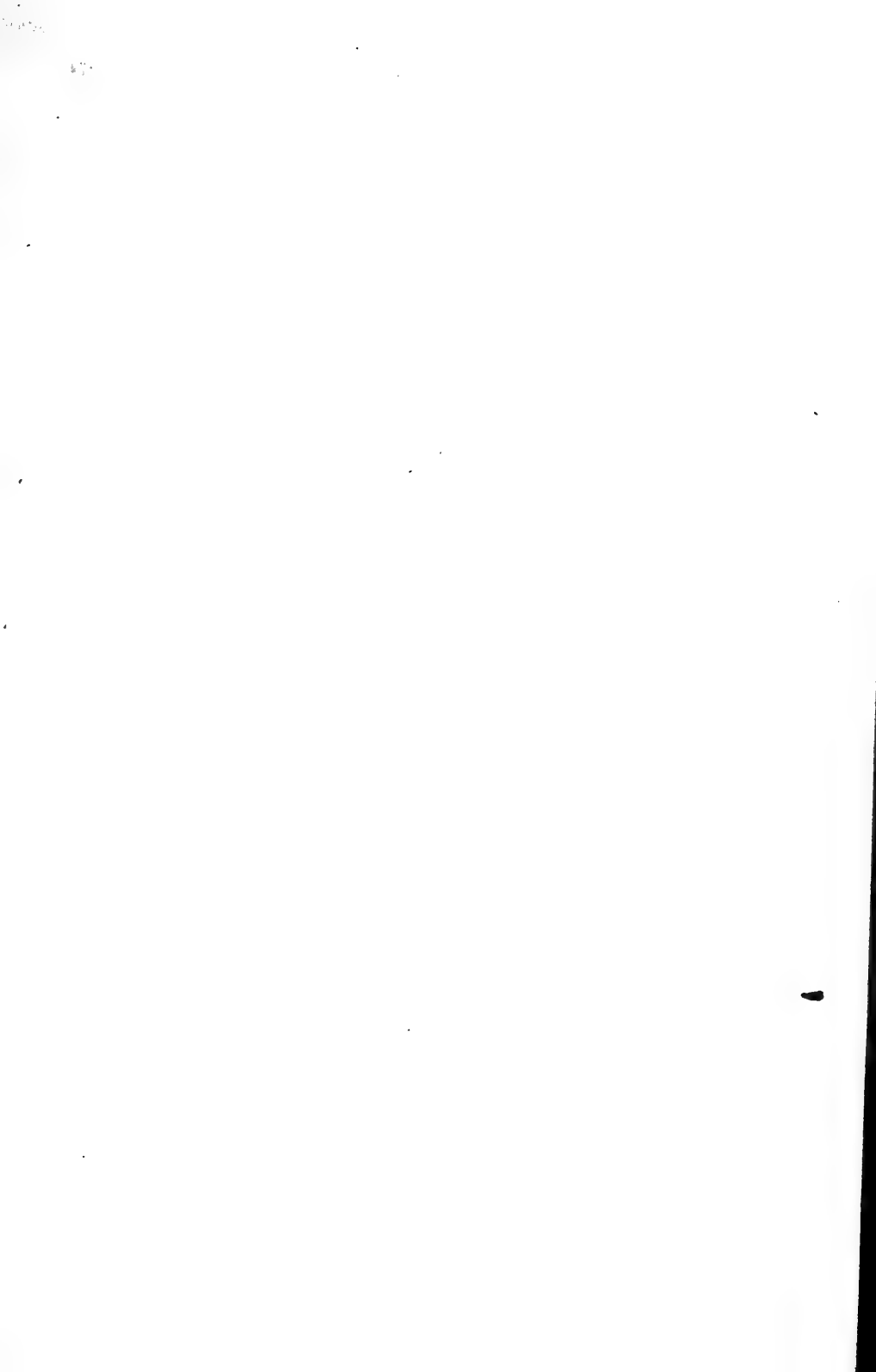
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SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That every railroad corporation doing business in this State shall provide at each of their stations where passengers are received and let off their cars, a platform at least thirty (30) feet long and eight wide, sufficiently close to the track to enable passengers to alight thereon.

§ 2. Passengers shall in no case be compelled to get off cars between two trains without a space of at least eight feet between such trains.

§ 3. Any railroad company in this State failing to comply with the provisions of the first section herein, after this act shall go into effect, and within ninety days after notice in writing of its failure to comply with the provisions of said section shall have been served upon any agent of said railroad by any persons feeling themselves aggrieved, shall pay for each and every day it shall neglect to comply with the provisions of the first section herein, the sum of fifty dollars, to be recovered in an action of debt before any justice of the peace in the name of the People of the State of Illinois.

§ 4. Any railroad company in this State violating the provisions of section two of this act, shall pay a fine for every offense on the complaint of any person aggrieved, in the sum of fifty dollars, to be recovered before any justice of the peace, in the name of the People of the State of Illinois.



1. Introduced by Mr. Johnson March 7, 1879, and ordered to first reading.
2. First reading March 8, 1879, and referred to Committee on Judiciary.
3. Reported back, passage recommended, and ordered to second reading March 19, 1879.

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## A BILL

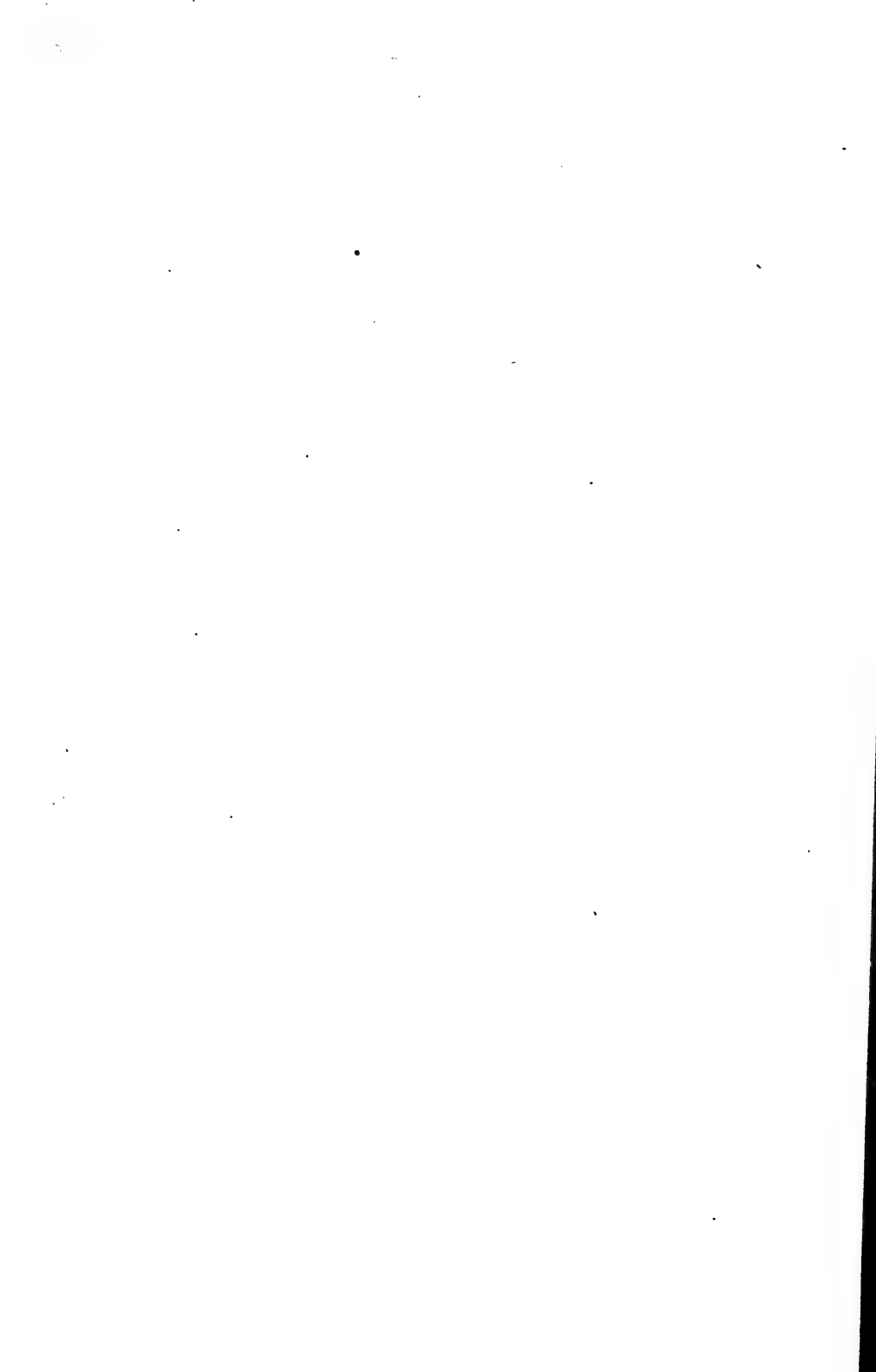
For an Act to provide for the payment of taxes on land before the same shall be platted  
or vacated.

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SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* No owner of lands shall plat, map or sub-divide the same into lots or blocks nor shall the owner of any sub-division of land, plat, map, or vacate the same until he shall have paid all taxes levied and assessed upon said lands and extended upon the tax warrants for State and county taxes.

§ 2. No county board, mayor and common council, president and board of trustees or legislative body of any city or incorporated town, shall approve of any plat, map or sub-division of land or the vacation of the same without having first required a compliance with the provisions aforesaid.

§ 3. No recorder of deeds shall file for record any plat, map or sub-division of lands, or vacation of the same, without a compliance with the provisions of section one, and if such plat, map or sub-division, or the vacation of the same shall be recorded in violation of the provisions of this act, it shall have no validity whatever.



1. Introduced by Mr. Shutt, March 7, 1879, and ordered to first reading.
2. First reading March 8, 1879, and referred to Committee on Mines and Mining.
3. Reported back, passage recommended, and ordered to second reading March 12, 1879.

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## A BILL

For an Act to provide for the proper weighing and measuring of coal, and to prevent discrimination.

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*SECTION 1. Be it enacted by the People of the State of Illinois, represented in the General Assembly, That the miners in any coal mine shall have the right to appoint a competent person, who shall at all times have access to any and all scales, weights or measures, used for weighing or measuring, coal at said coal mine, and it shall be his duty to see all coal fairly weighed or measured; said person to be paid by the miners employed therein: Provided, however, that said person shall not make any unnecessary interference with the working of said mine.*

*§ 2. All corporations or individuals operating coal mines, or their agents, shall weigh and account to their workman for all saleable coal mined by said workmen.*





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(In House.)

1. Reported from Senate April 15, 1879.
2. First reading April 19, and ordered to second reading.

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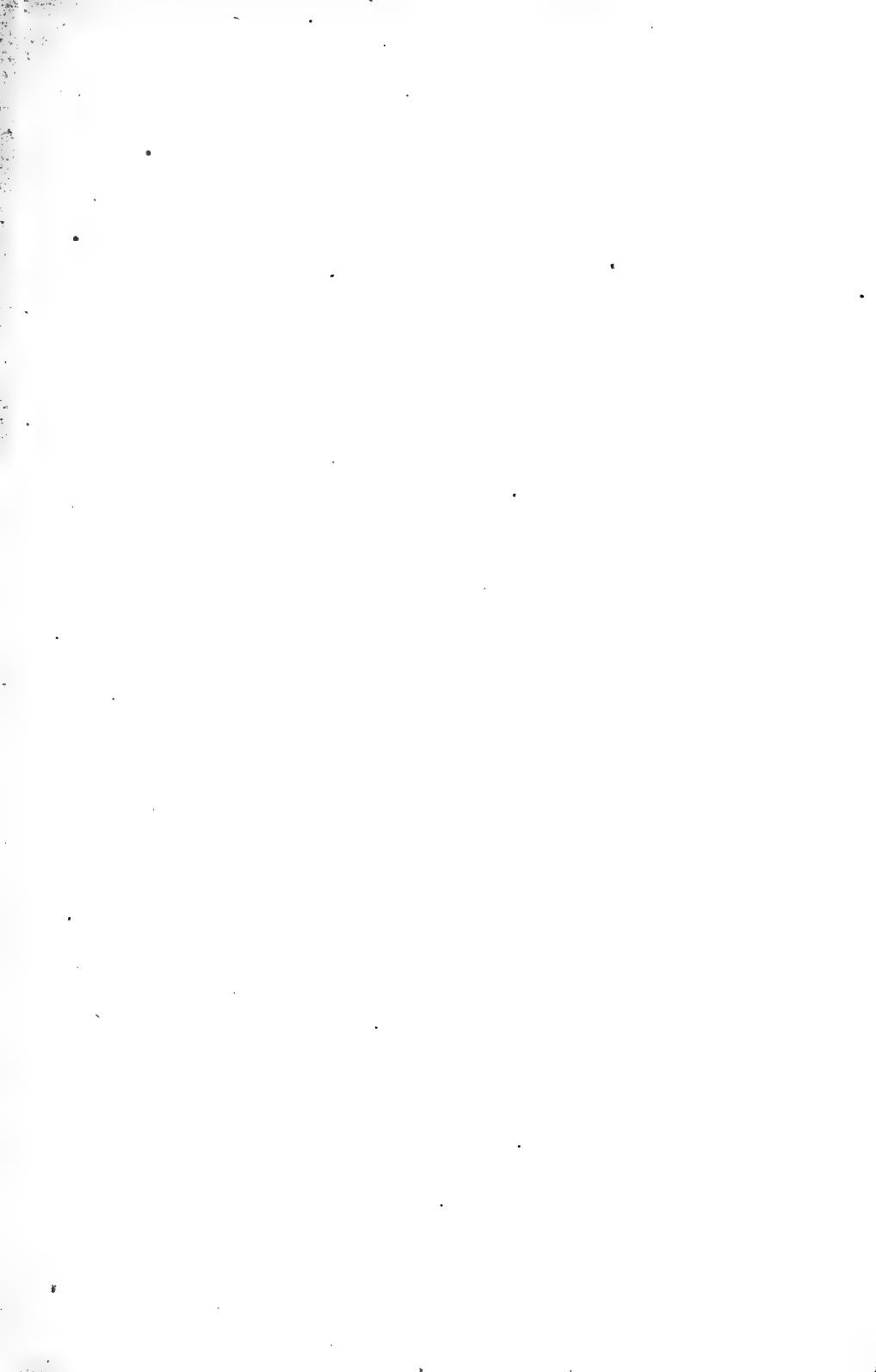
**A BILL**

For an act to provide for the proper weighing and measuring of coal, and to prevent discrimination.

---

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the miners in any coal mine shall have the right to appoint a competent person, who shall at all times have access to any and all scales, weights or measures, used for weighing or measuring coal at said coal mine, and it shall be his duty to see all coal fairly weighed or measured; said person to be paid by the miners employed therein: *Provided, however,* that said person shall not make any unnecessary interference with the working of said mine.

§ 2. All corporations or individuals operating coal mines, or their agents, shall weigh and account to their workman for all saleable coal mined by said workmen.



1. Introduced by Mr. Merritt March 7, 1879, and ordered to first reading.
2. First reading March 7, 1879, and referred to Committee on Insurance.
3. March 8, 1879, reported back with recommendation that it be ordered to second reading. So ordered.

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### **A BILL**

For an Act to define and limit what Life Insurance Companies may carry on the business of Life Insurance in this State.

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SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General*  
2 *Assembly, That no life insurance company, organized under the laws of any of the*  
3 *States of the United States which does not permit such life insurance company to loan*  
4 *its assets, or portions thereof, to its policy holders living and residing in this State,*  
5 *and upon lands or other securities owned and held by the policy holders of any such*  
6 *company, who are residents or citizens of this State, shall carry on the business of life*  
7 *insurance within this State, or hereafter issue to any resident or citizen of this State a*  
8 *policy of life insurance.*

§ 2. The Auditor of Public Accounts is hereby directed to cancel the license of any  
2 life insurance company to carry on the business of life insurance in this State, in all  
3 cases where the laws of the State under which such company was organized or does  
4 business, are in conflict with the provisions of this act.

§ 3. All laws and parts of laws in conflict with this act are hereby repealed.



1. Introduced by Mr. Merritt, March 7, 1879, and ordered to first reading.
2. First reading March 7, 1879, and referred to Committee on Insurance.
3. March 8, 1879, reported back with recommendation that it be ordered to second reading. So ordered.
4. March 21, 1879, second reading, amended and ordered to third reading.

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### **A BILL**

For an Act to define and limit what Life Insurance Companies may carry on the business of Life Insurance in this State.

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SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That no life insurance company, organized under the laws of any of the States of the United States, which does not permit such life insurance company to loan its assets in this State, shall carry on the business of life insurance within this State, or hereafter issue to any resident or citizen of this State a policy of life insurance; but nothing herein contained shall be so construed as to prohibit such companies from renewing existing policies.

§ 2. The Auditor of Public Accounts is hereby directed to cancel the license of any life insurance company to carry on the business of life insurance in this State, in all cases where the laws of the State, under which said company was organized or does business, are in conflict with the provisions of this act.

§ 3. All laws and parts of laws in conflict with this act are hereby repealed.



1. Introduced by Mr. Joslyn March 7, 1879, and ordered to first reading.
2. First reading March 8, 1879, and referred to Committee on Revenue.
3. March 27, 1879, reported back with recommendation that it be ordered to second reading. So ordered.

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## A BILL

For an act to amend an act entitled "An act for the assessment of property, and for the levy and collection of taxes," approved March 30, 1872.

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SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General*

2 *Assembly,* That section 48 of said act be amended to read as follows:

SECTION 48. At the same time that the lists or schedules are hereinbefore required

2 to be returned to the county clerk, the person, company or corporation running, oper-

3 ating or constructing any railroad in this State, shall return to the Auditor of Public

4 Accounts sworn statements or schedules as follows:

5 First—Of the property denominated "railroad track," giving the length of the main  
6 and side or second tracks and turn outs, and showing the proportions in each county,  
7 and the total in the State.

8 Second—The "rolling stock," giving the length of the main track in each county,  
9 the total in the State, and the entire length of the road.

10 Third—Showing the number of ties in track per mile, the weight of iron or steel per  
11 yard used in main and side tracks; what joints or chairs are used in track; the ballast-  
12 ing of road, whether gravel or dirt; the number and quality of buildings or other  
13 structures on "railroad track;" the length of time iron in track has been used, and the  
14 length of time the road has been built.

15 Fourth—A statement or schedule showing: 1. The amount of capital stock autho-  
16 rized, and the number of shares into which such capital stock is divided. 2. The



17 amount of capital stock paid up. 3. The market value, or if no market value, then the  
 18 actual value of the shares of stock. 4. The total amount of all indebtedness, except  
 19 for current expenses for operating the road. 5. The total listed valuation of all its  
 20 tangible property in this State.

21 Fifth—A statement or schedule showing: 1. The total gross earnings or income of  
 22 the road, within the State of Illinois, for the year ending on the 31st day of December  
 23 then next preceding. 2. All the expenses incurred in operating and maintaining the  
 24 road and the equipment thereof in the State of Illinois during the same time, including  
 25 amounts paid for salaries of officers and agents and wages of employees, amounts paid  
 26 for repairs and renewal of track, fences, bridges and buildings, locomotives and cars,  
 27 shop machinery and tools; office, shop and train supplies; attorneys' fees, costs of suits,  
 28 taxes, injuries to passengers and other persons, damages to and loss of freight and bag-  
 29 gage, injuries to cattle and stock, injuries to property by fire, and all other operating  
 30 expenses necessary to be shown in order to determine the net earnings or income of the  
 31 road. 3. The amount of net earnings or income. 4. The amount expended in this  
 32 State during the same time in purchase of real estate, lands and lots, and for improve-  
 33 ments and betterments thereon; for construction of depots, shops and other buildings;  
 34 principal and interest on bonds and indebtedness; dividends on stock; purchase of  
 35 other lines of roads; construction of new track; and all other expenses not properly  
 36 chargeable as operating expenses.

§ 2. That section 100 of said act be amended to read as follows:

§ 100. The Governor, Secretary of State, Auditor of Public Accounts, Treasurer  
 2 and Attorney General of the State of Illinois, shall be *ex officio* a State Board of Equal-  
 3 ization, any four of whom shall constitute a quorum for the transaction of business;  
 4 and said board shall succeed to all the powers, duties and authority of the present State  
 5 Board of Equalization, from and after the first day of July next.

§ 3. That section 103 of said act be amended to read as follows:

§ 103. Said board shall assemble at the State Capitol on the first Monday in July,  
 2 annually, and organize by selecting one of their number as chairman, and shall appoint  
 3 a competent person as secretary. The secretary shall take the oath of office prescribed  
 4 by the constitution. The board may adjourn from time to time until all its business

5 shall be disposed of, and special meetings may be called at any time by the chairman,  
6 or any three members.

§ 4. That section 105 of said act be amended to read as follows:

§ 105. Said board shall examine the abstracts of property assessed for taxation in  
2 the several counties of this State, as returned to the Auditor, and shall equalize the as-  
3 sessments as hereinafter provided, but said board shall not reduce the aggregate assessed  
4 valuation, in the State, neither shall it increase said aggregate valuation, except in such  
5 an amount as may be reasonably necessary to a just equalization, and not exceeding  
6 one per cent. on such aggregate assessed valuation; but this rule shall not apply to  
7 railroad property.

§ 5. That between section 109 and 110 of said act the following section be inserted  
2 and numbered 109½, and read as follows:

§ 109½. The valuation and assessment of the capital stock of railroad companies  
2 shall be determined by said board in the manner following, viz: The net annual  
3 earnings or income of each railroad company shall be taken as being a certain per  
4 centage on the actual value of the property and franchises represented by the capital  
5 stock thereof; the actual rate of such percentage shall be fixed upon, and the princi-  
6 pal sum which would produce the amount of said net earnings or income at such rate  
7 per cent. shall be held to be the true cash value of such capital stock. *Provided, That*  
8 the same rate per cent. shall apply to each and every railroad company for the  
9 same year's valuation and assessment. The valuation so found shall be taken as the  
10 assessed valuation of the capital stock, and the same shall be equalized by the board  
11 and distributed to the several counties, towns, cities, villages and districts, in the man-  
12 ner now provided by law.

§ 6. That section 116 of said act be amended to read as follows:

§ 116. The Secretary of State shall furnish such rooms, printing, fuel, lights, station-  
2 ery and postage as may be necessary for the transaction of the business of said board.  
3 The said board may employ such clerks, and others as the transaction of its business  
4 may require, and shall fix and determine the compensation of the secretary, clerks and  
5 employes at just and reasonable rates. The pay allowed the secretary, clerks and em-  
6 ployes shall be certified by the chairman of the board to the Auditor of Public Accounts  
7 who shall issue warrants on the State Treasury therefor.

§ 7. That sections 101 and 102 of "An Act for the assessment of property and for  
2 the levy and collection of taxes," approved March 30, 1872, and also all laws and parts  
3 of laws inconsistent with the provisions of this act, be, and the same are hereby repealed.

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Substitute for §59.

1. Introduced by Mr. McClellan, from Judiciary Committee, March 8, 1879, and ordered to first reading.
2. First reading March 8, 1879, and ordered to second reading.

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## A BILL

For an act to aid Industrial Schools for Girls.

---

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That any seven or more persons, residents of this State, a majority of whom are women, who may organize, or have organized, under the general laws of the State relating to corporations, for the purpose of establishing, maintaining and carrying on an Industrial School for Girls, shall have, under the corporate names assumed, all the powers, rights and privileges of corporations of this State, not for pecuniary profit, and shall be and are hereby exempted from all State and local taxes: *Provided, however,* that any persons organized, or who may hereafter organize as above set forth, desiring to avail themselves of the provisions of this act, shall first obtain the consent of the Governor thereto, in writing, which consent must be filed in the office of the Secretary of State.

§ 2. The object of Industrial Schools for Girls shall be to provide a home and proper training school for such girls as may be committed to their charge; and they shall be maintained by voluntary contributions, excepting as hereinafter provided.

§ 3. Any responsible person, who has been a resident of any county in this State one year next preceding the time at which the petition is presented, may petition the county court of said county to inquire into the alleged dependency of any female infant then within the county, and every female infant who comes within the following descriptions shall be considered a dependent girl, viz:

6 Every female infant who begs or receives alms while actually selling or pretending  
 7 to sell any article in public; or who frequents any street, alley, or other place for the  
 8 purpose of begging or receiving alms; or who, having no permanent place of abode,  
 9 proper parental care or guardianship, or sufficient means of subsistence; or who, for  
 10 other cause, is a wanderer through streets and alleys, and in other public places; or who  
 11 lives with, or frequents the company of, or consorts with reputed thieves, or other vicious  
 12 persons; or who is found in a house of ill-fame, or in a poor house

13 The petition shall also state the name of the father of the infant, if living, or if dead,  
 14 the name of the mother; and if neither the father nor mother of the infant be living,  
 15 or to be found in the county, then the name of the guardian, if there be one. If there  
 16 be a parent living, or a guardian, the petition shall set forth not only the dependency  
 17 of the infant, but shall also show that the parent or guardian is not a fit person to have  
 18 the custody of such infant. Such petition shall be verified by oath, and upon being  
 19 filed, the judge of said court shall have the female infant named in the petition brought  
 20 before him for the purpose of determining the application in said petition contained,  
 21 and for the hearing of such petitions the county court shall be considered always open.

§ 4. Upon the filing of such petition, the clerk of the court shall issue a writ to the  
 2 sheriff of the county, directing him to bring such infant before the court, and it shall  
 3 be the duty of the court to order a jury of six to be summoned, to ascertain whether  
 4 such infant is a dependent, as alleged in such petition, and also to find if the other  
 5 allegations are true, and if found to be such, they shall also find her age in their ver-  
 6 dict; and when such infant shall be without counsel, it shall be the duty of the court to  
 7 assign counsel for her; and if the jury find that the infant named in the petition is a  
 8 dependent girl, and that the other material facts set forth in the petition are true,  
 9 and if, in the opinion of the judge, she is a fit person to be sent to an Industrial School  
 10 for Girls, the judge shall enter an order that such infant be committed to an Industrial  
 11 School for Girls in the county, if there be such school in the county; but if there be no  
 12 such school in the county, then to any Industrial School for Girls elsewhere in the State,  
 13 to be in such school kept and maintained until she arrives at the age of eighteen years,  
 14 unless sooner discharged therefrom in the manner hereinafter provided. Before the  
 15 hearing aforesaid, notice shall be given to the parent or guardian of the infant, it to be

16 found in the county, of the proceedings about to be instituted, and they may appear and  
 17 resist the same.

§ 5. If the court finds as in the preceding section, it shall further order of record  
 2 that such infant has no guardian, or that her guardian or parent is not a fit person to  
 3 have the custody of such infant, as the case may be; and the court may thereupon  
 4 appoint the president or any one of the vice-presidents of such Industrial School the law-  
 5 ful guardian of such infant, and no bond shall be required of such guardian; and such  
 6 guardian shall permit such infant to be placed under the care and in the custody of  
 7 such Industrial School for Girls as hereinafter provided.

§ 6. A warrant shall thereupon be issued in duplicate by the clerk to some suitable  
 2 person, a resident of the county, to be designated by the judge, authorizing him or her  
 3 to take in charge and care the dependent girl named in said order of the court, and  
 4 convey her to the Industrial School for Girls to which she is to be committed, and said  
 5 warrant shall be substantially as follows:

6 STATE OF ILLINOIS, }  
 7 \_\_\_\_\_ COUNTY. } SS:

8 The people of the State of Illinois, to \_\_\_\_\_, You are hereby  
 9 authorized to take forthwith into your charge and care \_\_\_\_\_, aged  
 10 \_\_\_\_\_ years, who has been declared a dependent girl, and convey her to the  
 11 \_\_\_\_\_ (as the case may be) Industrial School for Girls, and of this  
 12 warrant you are commanded to make due return to this court after its execution.

13 Witness my hand and the seal of the county court of \_\_\_\_\_ county,  
 14 this \_\_\_\_\_ day of \_\_\_\_\_, A. D.

15 [Seal of Court.]

16 \_\_\_\_\_ Clerk of the county court of \_\_\_\_\_ county.

17 This warrant, with the receipt therein, shall be returned to the clerk, to be filed by  
 18 him with the other papers relating to the case; and this warrant shall be a sufficient  
 19 and competent authority for the proper officers and agents of the Industrial School for  
 20 Girls, to which it is directed to receive, keep and detain the person therein named, and  
 21 a duplicate copy thereof shall be delivered to the matron or other proper officer of  
 22 such school, to be kept at the school by such matron or other proper officer, which

duplicate shall have thereon a full copy of all indorsements made upon the one returned to court, and be recorded by her in a book kept for that purpose, and said book shall always be open to the inspection of any person.

§ 7. Upon receiving the dependent girl, the matron of the school shall indorse upon the warrant referred to in the preceding section a receipt, as follows:

(as the case may be) Industrial School for Girls.

Received this                      day of                      , A. D.                      , the girl  
named in this warrant.

Matron.

[SEAL OF SCHOOL.]

§ 8. The fees for conveying the dependent girl to an Industrial School for Girls shall be the same as for conveying a juvenile offender to the Reform School for Juvenile Offenders at Pontiac, in this State, and they shall be paid by the counties from which such dependent girls are sent, unless they are paid by the parent or guardian.

§ 9. It shall be the duty of the county judge to see that every dependent girl committed by him to an Industrial School for Girls shall, at the time she is conveyed to the school, be furnished with three chemises, three pairs of woolen stockings, one pair of shoes, two woolen petticoats or skirts, three good dresses, a cloak or shawl, and a suitable bonnet. The expense of said clothing shall be paid out of the county treasury, upon the certificate of the county judge. But if the dependent girl have a parent or guardian, the court shall render judgment against him for the amount, to be paid the county for such clothing, together with cost of collection; and if such expenses and cost of collection are recovered, the money shall be paid into the county treasury. For the tuition, maintenance and care of dependent girls, the county from which they are sent shall pay to the industrial school for girls to which they may be committed, as follows:

For each dependent girl under the age of ten years, ten dollars per month.

For each dependent girl ten years and under fourteen years of age, ten dollars per month.

For each dependent girl fourteen and under eighteen years of age, ten dollars, per month. And upon the proper officer rendering proper accounts therefor, quar-

terly, the county board shall allow and order the same paid out of the county treasury :  
*Provided*, that no charge shall be made against any county by any industrial school for  
 girls on account of any dependent girl in the care thereof, who has been by said school  
 put out to a trade or employment in the manner hereinafter provided.

§ 10. The officers and trustees of any industrial school for girls in this State shall  
 receive into such school all girls committed thereto, under the provisions of this act,  
 and shall have the exclusive custody, care and guardianship of such girls. They shall  
 provide for their support and comfort ; instruct them in such branches of useful knowl-  
 edge as may be suited to their years and capacities, and shall cause them to be taught  
 in domestic avocations, such as sewing, knitting, and housekeeping in all its depart-  
 ments. And for the purpose of their education and training, and that they may assist  
 in their own support, they shall be required to pursue such tasks suitable to their years  
 and sex, as may be prescribed by such officers and trustees.

§ 11. Any girl committed under the provisions of this act to an industrial school for  
 girls may, by the officers and trustees of said school be placed in the home of any good  
 citizen, upon such terms and for such purpose and time as may be agreed upon, or she  
 may be given to any suitable person of good character who will adopt her, or she may  
 be bound to any reputable citizen as an apprentice to learn any trade, or as a servant to  
 follow any employment which, in the judgment of said officers and trustees, will be for  
 her advantage ; and all and singular of the provisions of the act entitled "An Act to  
 revise the law in relation to apprentices," approved February 25, 1874 ; in force July 1,  
 1874, in so far as they are applicable, shall apply to and be binding upon such  
 officers and trustees, upon such girl and upon the person to whom such girl is bound ;  
*Provided*, that any disposition made of any girl under this section shall not bind her  
 beyond her minority ; *And Provided further*, that such officers and trustees shall have a  
 supervising care over such girl to see that she is properly treated and cared for. And  
 in case such girl is cruelly treated, or is neglected, or the terms upon which she was  
 committed to the care and protection of any person are not observed, or in case such  
 care and protection shall for any reason cease, then it shall be the duty of such officers  
 and trustees to take and receive such girl again into the custody, care and protection  
 of said industrial school.

§ 12. No imbecile, or idiotic girl, or one incapacitated for labor, or deformed, nor



2 any girl having any infectious, contagious, or incurable disease shall be committed or  
3 received into any industrial school for girls in this State.

§ 13. Any girl committed to an industrial school for girls, under the provisions of  
2 this act, may be discharged therefrom at any time, in accordance with the rules there-  
3 of, when, in the judgment of the officers and trustees, the good of the girl, or the good  
4 of the school, would be promoted by such discharge, and the Governor may at any time  
5 order the discharge of any girl committed to an industrial school under the provisions  
6 of this act.

§ 14. All industrial schools for girls in this State shall be subject to the same visita-  
2 tion, inspection and supervision of the Board of State Commissioners of Public Char-  
3 ities, as the charitable and penal institutions of the State, and, avoiding as far as prac-  
4 ticable, sectarianism, suitable provisions shall be made for the moral and religious in-  
5 struction of the inmates of all industrial schools for girls in this State.

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Substitute for 359.

1. Introduced by Mr. McClellan, from Judiciary Committee, March 8, 1879, and ordered to first reading.
2. First reading March 8, 1879, and ordered to second reading.

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**A BILL**

For an Act to aid Industrial Schools for Girls.

---

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That any seven or more persons, residents of this State, a majority of whom are women, who may organize, or have organized, under the general laws of the State relating to corporations, for the purpose of establishing, maintaining and carrying on an industrial school for girls, shall have under the corporate names assumed, all the powers, rights and privileges of corporations of this State, not for pecuniary profit, and shall be and hereby are exempted from all State and local taxes: *Provided, however,* that any persons organized, or who may hereafter organize as above set forth, desiring to avail themselves of the provisions of this act, shall first obtain the consent of the Governor thereto, in writing, which consent must be filed in the office of the Secretary of State.

§ 2. The object of industrial schools for girls shall be to provide a home and proper training school for such girls as may be committed to their charge; and they shall be maintained by voluntary contributions, excepting as hereinafter provided.

§ 3. Any responsible person who has been a resident of any county in this State one year next preceding the time at which the petition is presented, may petition the county court of said county to inquire into the alleged dependency of any female infant then within the county, and every female infant who comes within the following descriptions shall be considered a dependent girl, viz:

6 Every female infant who begs or receives alms while actually selling or pre-  
 7 tending to sell any article in public; or who frequents any street, alley, or other place  
 8 for the purpose of begging or receiving alms; or who, having no permanent place of  
 9 abode, proper parental care or guardianship, or sufficient means of subsistence; or who,  
 10 for other cause, is a wanderer through streets and alleys, and in other public places; or  
 11 who lives with, or frequents the company of, or consorts with reputed thieves, or other  
 12 vicious persons; or who is found in a house of ill-fame, or in a poor house.

13 The petition shall also state the name of the father of the infant, if living, or if dead,  
 14 the name of the mother; and if neither the father nor mother of the infant be living,  
 15 or to be found in the county, then the name of the guardian, if there be one. If there  
 16 be a parent living, or a guardian, the petition shall set forth not only the dependency  
 17 of the infant, but shall also show that the parent or guardian is not a fit person to have  
 18 the custody of such infant. Such petition shall be verified by oath, and upon being  
 19 filed, the judge of said court shall have the female infant named in the petition brought  
 20 before him for the purpose of determining the application in said petition contained,  
 21 and for the hearing of such petitions the county court shall be considered always open.

§4. Upon the filing of such petition, the clerk of the court shall issue a writ to the  
 2 the sheriff of the county, directing him to bring such infant before the court, and it  
 3 shall be the duty of the court to order a jury of six to be summoned, to ascertain wheth-  
 4 er such infant is a dependent, as alleged in such petition, and also to find if the other  
 5 allegations are true, and if found to be such, they shall also find her age in their ver-  
 6 dict, and when such infant shall be without counsel, it shall be the duty of the court to  
 7 assign counsel for her, and if the jury finds that the infant named in the petition is a  
 8 dependent girl, and that the other material facts set forth in the petition are true,  
 9 and if, in the opinion of the judge, she is a fit person to be sent to an industrial school  
 10 for girls, the judge shall enter an order that such infant be committed to an industrial  
 11 school for girls in the county, if there be such school in the county; but if there be no  
 12 such school in the county, then to any industrial school for girls elsewhere in the State,  
 13 to be in such school kept and maintained until she arrives at the age of eighteen years,  
 14 unless sooner discharged therefrom in the manner hereinafter provided. Before the  
 15 hearing aforesaid, notice shall be given to the parent or guardian of the infant, if to be

16 found in the county, of the proceedings about to be instituted, and they may appear and  
 17 resist the same.

§ 5. If the court finds as in the preceding section, it shall further order of record,  
 2 that such infant has no guardian; or that her guardian or parent is not a fit person to  
 3 have the custody of such infant, as the case may be, and the court may thereupon ap-  
 4 point the president or any one of the vice-presidents of such Industrial School the lawful  
 5 guardian of such infant and no bond shall be required of such guardian. And such  
 6 guardian shall permit such infant to be placed under the care and in the custody of  
 7 such Industrial School for Girls as hereinafter provided.

§ 6. A warrant shall thereupon be issued in duplicate by the clerk to some suitable  
 2 person, a resident of the county, to be designated by the judge, authorizing him or her  
 3 to take in charge and care, the dependant girl named in said order of the court, and  
 4 convey her to the Industrial School for Girls to which she is to be committed, and said  
 5 warrant shall be substantially as follows:

6 STATE OF ILLINOIS, }  
 7 \_\_\_\_\_ COUNTY. } SS:

8 The People of the State of Illinois to You are hereby author-  
 9 ized to take forthwith into your charge and care , aged

10 \_\_\_\_\_ years, who has been declared a dependent girl, and convey her

11 to the (as the case may be) Industrial School for Girls, and of

12 this warrant you are commanded to make due return to this court after its execution.

13 Witness my hand and the seal of the county court of \_\_\_\_\_ county, this

14 \_\_\_\_\_ day of \_\_\_\_\_ A. D.

15 [SEAL OF COURT]

16 \_\_\_\_\_ Clerk of the county court of \_\_\_\_\_ county.

17 This warrant, with the receipt therein, shall be returned to the clerk, to be filed by  
 18 him with the other papers relating to the case, and this warrant shall be a sufficient  
 19 and competent authority for the proper officers and agents of the Industrial School for  
 20 Girls, to which it is directed to receive, keep and detain the person therein named, and  
 21 a duplicate copy thereof shall be delivered to the matron or other proper officer of  
 22 such school, to be kept at the school by such matron or other proper officer, which  
 23 duplicate shall have thereon a full copy of all indorsements made upon the one returned

24 to court, and be recorded by her in a book kept for that purpose, and said book shall  
25 always be open to the inspection of any person.

§ 7. Upon receiving the dependent girl, the matron of the school shall indorse upon  
2 the warrant referred to in the preceding section a receipt, as follows:

3 (as the case may be) Industrial School for Girls.

4 Received this day of A. D. , the girl  
6 named in this warrant.

7 Matron.

8 [SEAL OF SCHOOL]

§ 8. The fees for conveying a dependent girl to an Industrial School for Girls shall  
2 be the same as for conveying a juvenile offender to the Reform School for Juvenile  
3 Offenders at Pontiac, in this State, and they shall be paid in the same way, unless they  
4 are paid by the parent or guardian.

§ 9. It shall be the duty of the county judge to see that every dependent girl com-  
2 mitted by him to an industrial school for girls shall, at the time she is conveyed to the  
3 school, be furnished with three chemises, three pairs of woolen stockings, one pair of  
4 shoes, two woolen petticoats or skirts, three good dresses, a cloak or shawl, and a suit-  
5 able bonnet. The expense of said clothing shall be paid out of the county treasury,  
6 upon the certificate of the county judge. But if the dependent girl have a parent or  
7 guardian, the court shall render judgment against him for the amount, to be paid the  
8 county for such clothing, together with cost of collection; and if such expenses and  
9 cost of collection are recovered, the money shall be paid into the county treasury. For  
10 the tuition, maintenance and care of dependent girls, the county from which they are  
11 sent shall pay to the industrial school for girls to which they may be committed,  
12 as follows:

13 For each dependent girl under the age of ten years, dollars per month.

14 For each dependent girl ten years and under fourteen years of age, dollars  
15 per month.

16 For each dependent girl fourteen and under eighteen years of age, dollars  
17 per month. And upon the proper officer rendering proper accounts therefor, quar-  
18 terly, the county board shall allow and order the same paid out of the county treasury;  
19 *Provided*, that no charge shall be made against any county by any industrial school for

- 2) girls on account of any dependent girl in the care thereof who has been by said school  
 21 put out to a trade or employment in the manner hereinafter provided.

§ 10. The officers and trustees of any industrial school for girls in this State shall  
 2 receive into such school all girls committed thereto under the provisions of this act,  
 3 and shall have the exclusive custody, care and guardianship of such girls. They shall  
 4 provide for their support and comfort; instruct them in such branches of useful knowl-  
 5 edge as may be suited to their years and capacities, and shall cause them to be taught in  
 6 domestic avocations, such as sewing, knitting, and housekeeping in all its departments.  
 7 And for the purpose of their education and training, and that they may assist in their  
 8 own support, they shall be required to pursue such tasks suitable to their years and sex,  
 9 as may be prescribed by such officers and trustees.

§ 11. Any girl committed under the provisions of this act to an industrial school for  
 2 girls, may by the officers and trustees of said school be placed in the home of any good  
 3 citizen upon such terms and for such purpose and time as may be agreed upon, or she  
 4 may be given to any suitable person of good character who will adopt her, or she may  
 5 be bound to any reputable citizen as an apprentice, to learn any trade, or as a servant to  
 6 follow any employment which, in the judgment of said officers and trustees, will be for  
 7 her advantage; and all and singular of the provisions of the act entitled "An Act to  
 8 revise the law in relation to apprentices," approved February 25, 1874; in force July  
 9 1, 1874, in so far as they are applicable, shall apply to and be binding upon such offi-  
 10 cers and trustees, upon such girl and upon the person to whom such girl is bound:  
 11 *Provided*, that any disposition made of any girl under this section shall not bind her  
 12 beyond her minority; *And, provided, further*, that such officers and trustees shall have  
 13 a supervising care over such girl to see that she is properly treated and cared for. And  
 14 in case such girl is cruelly treated, or is neglected, or the terms upon which she was  
 15 committed to the care and protection of any person are not observed, or in case such  
 16 care and protection shall for any reason cease, then it shall be the duty of such officers  
 17 and trustees to take and receive such girl again into the custody, care and protection  
 18 of said industrial school.

§ 12. No imbecile, or idiotic girl, or one incapacitated for labor, or deformed, nor  
 2 any girl having any infectious, contagious, or incurable disease, shall be committed or  
 3 received into any industrial school for girls in this State.

§ 13. Any girl committed to an industrial school for girls, under the provisions of this act, may be discharged therefrom at any time, in accordance with the rules thereof, when in the judgment of the officers and trustees, the good of the girl or the good of the school, would be promoted by such discharge, and the Governor may at any time order the discharge of any girl committed to an industrial school under the provisions of this act.

§ 14. All industrial schools for girls in this State shall be subject to the same visitation, inspection and supervision of the Board of State Commissioners of Public Charities, as the charitable and penal institutions of the State, and avoiding as far as practicable, sectarianism, suitable provisions shall be made for the moral and religious instruction of the inmates of all industrial schools for girls in this State.

(In House.)

1. Reported to House April 25, 1879.
2. First reading April 25, and ordered to second reading.

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## A BILL

For an act to aid Industrial Schools for Girls.

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SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That any seven or more persons, residents of this State, a majority of whom are women, who may organize, or have organized, under the general laws of the State relating to corporations, for the purpose of establishing, maintaining and carrying on an Industrial school for Girls, shall have under the corporate names assumed, all the powers, rights and privileges of corporations of this State, not for pecuniary profit, and shall be and are hereby exempted from all State and local taxes. *Provided, however,* that any persons organized, or who may hereafter organize as above set forth, desiring to avail themselves of the provisions of this act, shall first obtain the consent of the Governor thereto, in writing, which consent must be filed in the office of the Secretary of State.

§ 2. The object of Industrial Schools for Girls shall be to provide a home and proper training school for such girls as may be committed to their charge; and they shall be maintained by voluntary contributions, excepting as hereinafter provided.

§ 3. Any responsible person, who has been a resident of any county in this State one year next preceding the time at which the petition is presented, may petition the county court of said county to inquire into the alleged dependency of any female infant then within the county, and every female infant who comes within the following descriptions shall be considered a dependent girl, viz:

Every female infant who begs or receives alms while actually selling or pretending



7 to sell any article in public, or who frequents any street, alley or other place for the  
 8 purpose of begging or receiving alms, or who, having no permanent place of abode,  
 9 proper parental care or guardianship, or sufficient means of subsistence, or who, for  
 10 other cause, is a wanderer through streets and alleys, and in other public places, or who  
 11 lives with or frequents the company of or consorts with reputed thieves or other vicious  
 12 persons, or who is found in a house of ill-fame or in a poor house.

13 The petition shall also state the name of the father of the infant, if living, or if dead,  
 14 the name of the mother; and if neither the father nor mother of the infant be living,  
 15 or to be found in the county, then the name of the guardian, if there be one. If there  
 16 be a parent living, or a guardian, the petition shall set forth not only the dependency  
 17 of the infant, but shall also show that the parent or guardian is not a fit person to have  
 18 the custody of such infant. Such petition shall be verified by oath, and upon being  
 19 filed, the judge of said court shall have the female infant named in the petition brought  
 20 before him for the purpose of determining the application in said petition contained,  
 21 and for the hearing of such petitions the county court shall be considered always open.

§ 4. Upon the filing of such petition, the clerk of the court shall issue a writ to the  
 2 sheriff of the county, directing him to bring such infant before the court, and it shall  
 3 be the duty of the court to order a jury of six to be summoned, to ascertain whether  
 4 such infant is a dependent, as alleged in such petition, and also to find if the other  
 5 allegations are true, and if found to be such, they shall also find her age in their ver-  
 6 dict; and when such infant shall be without counsel, it shall be the duty of the court to  
 7 assign counsel for her; and if the jury finds that the infant named in the petition is a  
 8 dependent girl, and that the other material facts set forth in the petition are true,  
 9 and it, in the opinion of the judge, she is a fit person to be sent to an Industrial School  
 10 for Girls, the judge shall enter an order that such infant be committed to an Industrial  
 11 School for Girls in the county, if there be such school in the county; but if there be no  
 12 such school in the county, then to any Industrial School for Girls elsewhere in the State,  
 13 to be in such school kept and maintained until she arrives at the age of eighteen years,  
 14 unless sooner discharged therefrom in the manner hereinafter provided. Before the  
 15 hearing aforesaid, notice shall be given to the parent or guardian of the infant, if to be  
 16 found in the county, of the proceedings about to be instituted, and they may appear and  
 17 resist the same.

§ 5. If the court finds as in the preceding section, it shall further order of record that such infant has no guardian, or that her guardian or parent is not a fit person to have the custody of such infant, as the case may be; and the court may thereupon appoint the president or any one of the vice-presidents of such Industrial School the lawful guardian of such infant, and no bond shall be required of such guardian; and such guardian shall permit such infant to be placed under the care and in the custody of such Industrial School for Girls as hereinafter provided.

§ 6. A warrant shall thereupon be issued in duplicate by the clerk to some suitable person, a resident of the county, to be designated by the judge, authorizing him or her to take in charge and care the dependent girl named in said order of the court, and convey her to the Industrial School for Girls to which she is to be committed, and said warrant shall be substantially as follows:

STATE OF ILLINOIS, }  
 \_\_\_\_\_ COUNTY. } SS.

The people of the State of Illinois, to \_\_\_\_\_, You are hereby authorized to take forthwith into your charge and care \_\_\_\_\_, aged \_\_\_\_\_ years, who has been declared a dependent girl, and convey her to the \_\_\_\_\_ (as the case may be) Industrial School for girls, and of this warrant you are commanded to make due return to this court after its execution.

Witness my hand and the seal of the county court of \_\_\_\_\_ county, this \_\_\_\_\_ day of \_\_\_\_\_, A. D.

[Seal of Court.]

\_\_\_\_\_, Clerk of the county court of \_\_\_\_\_ county.

This warrant, with the receipt therein, shall be returned to the clerk, to be filed by him with the other papers relating to the case; and this warrant shall be a sufficient and competent authority for the proper officers and agents of the Industrial School for Girls, to which it is directed to receive, keep and detain the person therein, named, and a duplicate copy thereof shall be delivered to the matron or other proper officer of such school, to be kept at the school by such matron or other proper officer, which duplicate shall have thereon a full copy of all indorsements made upon the one returned to court, and be recorded by her in a book kept for that purpose, and said book shall always be open to the inspection of any person.

§ 7. Upon receiving the dependent girl, the matron of the school shall indorse

upon the warrant referred to in the preceding section a receipt, as follows:

(as the case may be) Industrial School for Girls.

Received this                      day of                      , A. D.                      , the girl  
named in this warrant.

Matron.

[SEAL OF SCHOOL.]

§ 8. The fees for conveying the dependent girl to an Industrial School for Girls shall be the same as for conveying a juvenile offender to the Reform School for Juvenile Offenders, at Pontiac, in this State, and they shall be paid by the counties from which such dependent girls are sent, unless they are paid by the parent or guardian.

§ 9. It shall be the duty of the county judge to see that every dependent girl committed by him to an Industrial School for Girls shall, at the time she is conveyed to the school, be furnished with three chemises, three pair of woolen stockings, one pair of shoes, two woolen petticoats or skirts, three good dresses, a cloak or shawl, and a suitable bonnet. The expense of said clothing shall be paid out of the county treasury, upon the certificate of the county judge. But if the dependent girl have a parent or guardian, the court shall render judgment against him for the amount, to be paid the county for such clothing, together with cost of collection; and if such expenses and cost of collection are recovered, the money shall be paid into the county treasury. For the tuition, maintenance and care of dependent girls, the county from which they are sent shall pay to the industrial school for girls to which they may be committed, as follows:

For each dependent girl under the age of ten years, ten dollars per month.

For each dependent girl ten years and under fourteen years of age, ten dollars per month.

For each dependent girl fourteen and under eighteen years of age, ten dollars, per month. And upon the proper officer rendering proper accounts therefor, quarterly, the county board shall allow and order the same paid out of the county treasury: *Provided*, that no charge shall be made against any county by any industrial school for girls on account of any dependent girl in the care thereof, who has been by said school put out to a trade or employment in the manner hereinafter provided.

§ 10. The officers and trustees of any industrial school for girls in this State shall  
 2 receive into such school all girls committed thereto, under the provisions of this act,  
 3 and shall have the exclusive custody, care and guardianship of such girls. They shall  
 4 provide for their support and comfort; instruct them in such branches of useful knowl-  
 5 edge as may be suited to their years and capacities, and shall cause them to be taught  
 6 in domestic avocations, such as sewing, knitting, and housekeeping in all its depart-  
 7 ments; and for the purpose of their education and training, and that they may assist  
 8 in their own support, they shall be required to pursue such tasks suitable to their years  
 9 and sex as may be prescribed by such officers and trustees.

§ 11. Any girl committed under the provisions of this act to an industrial school for  
 2 girls may, by the officers and trustees of said school be placed in the home of any good  
 3 citizen, upon such terms and for such purpose and time as may be agreed upon, or she  
 4 may be given to any suitable person of good character who will adopt her, or she may  
 5 be bound to any reputable citizen as an apprentice to learn any trade, or as a servant to  
 6 follow any employment which, in the judgment of said officers and trustees, will be for  
 7 her advantage; and all and singular of the provisions of the act entitled "An Act to  
 8 revise the law in relation to apprentices," approved February 25, 1874; in force July 1,  
 9 1874, in so far as they are applicable, shall apply to and be binding upon such  
 10 officers and trustees, upon such girl and upon the person to whom such girl is bound:  
 11 *Provided*, that any disposition made of any girl under this section shall not bind her  
 12 beyond her minority; *And provided further*, that such officers and trustees shall have a  
 13 supervising care over such girl to see that she is properly treated and cared for. And  
 14 in case such girl is cruelly treated or neglected, or the terms upon which she was  
 15 committed to the care and protection of any person are not observed, or in case such  
 16 care and protection shall for any reason cease, then it shall be the duty of such officers  
 17 and trustees to take and receive such girl again into the custody, care and protection  
 18 of said industrial school.

§ 12. No imbecile, or idiotic girl, or one incapacitated for labor, or deformed, nor  
 2 any girl having any infectious, contagious, or incurable disease shall be committed or  
 3 received into any industrial school for girls in this State.

§ 13. Any girl committed to an industrial school for girls, under the provisions of  
 2 this act, may be discharged therefrom at any time, in accordance with the rules there-

3 of, when, in the judgment of the officers and trustees, the good of the girl, or the good  
4 of the school, would be promoted by such discharge, and the Governor may at any time  
5 order the discharge of any girl committed to an industrial school under the provisions  
6 of this act.

§ 14. All industrial schools for girls in this State shall be subject to the same visita-  
2 tion, inspection and supervision of the Board of State Commissioners of Public Char-  
3 ties, as the charitable and penal institutions of the State, and, avoiding as far as prac-  
4 ticable, sectarianism, suitable provisions shall be made for the moral and religious in-  
5 struction of the inmates of all industrial schools for girls in this State.

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[In House]

1. Reported to House April 25, 1879.
2. First reading April 29, and ordered to second reading.
3. Second reading, amended and ordered to third reading, May 13.

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Amendment to Senate Bill No. 383, offered by Mr. Wentworth and adopted May 13, 1879.

- Add to section 14: "But no such industrial school shall receive an appropriation
- 2 from the State for any purpose, and any school receiving an appropriation from the
  - 3 State shall not have the benefit of the provisions of this act."



1. Introduced by Mr. Artley March 8, 1879, and ordered to first reading.
2. First reading March 8, 1879, and referred to Committee on Municipalities.
3. Reported back, passage recommended and ordered to second reading March 12, 1879.

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## A BILL

For an Act in relation to Bets, Wagers and Pools.

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SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General*  
2 *Assembly, That any person or persons, partnership, association or corporation who shall*  
3 *keep any room or building, or any part or portion of any room or building, or occupy*  
4 *any place, upon public or private grounds, any where within this State, for the purpose*  
5 *of recording or registering bets or wagers, or of selling pools, and any person who*  
6 *shall record or register bets or wagers, or sell pools upon the result of any trial or*  
7 *contest of skill, speed or power of endurance, of man or beast, or upon the result of*  
8 *any political nomination, appointment or election, or uncertain event whatsoever, or*  
9 *shall cause the same to be recorded, registered or sold, or any person or persons,*  
10 *partnership, association or corporation being the owner, lessee or occupant of any*  
11 *such room, building or part or portion thereof, or private grounds, who shall know-*  
12 *ingly permit the same to be used or occupied for any of the purposes aforesaid, or*  
13 *shall keep therein, exhibit or employ any device, books, paraphernalia or apparatus*  
14 *for the purpose of registering or recording such bets or wagers, or the selling of such*  
15 *pools, or shall become the custodian or depositary for hire or reward, in any way, of*  
16 *any money, property or thing of value staked, wagered or pledged as aforesaid, upon*  
17 *any such result, such person shall be deemed guilty of a misdemeanor, and shall, upon*



18 conviction, be punished by imprisonment in the county jail for not less than one month,  
19 and not more than one year; or by fine not less than two hundred dollars, and not  
20 more than two thousand dollars, or by both such fine and imprisonment.

1. Introduced by Mr. Kuykendall March 11, 1879, and ordered to first reading.
2. First reading March 13, and referred to Committee on Fees and salaries.
3. Reported back, passage recommended, and ordered to second reading April 18.

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## A BILL

For an act to fix the salaries of the officers and employes of the penitentiaries of this State.

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SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly, That there shall be allowed and paid an annual salary in lieu of all other salary perquisite, benefit or compensation in any form whatsoever, to each of the officers and employes herein named in each of the penitentiaries of this State, the following sums respectively: To each of the commissioners, \$1,500; the warden, \$1,800; one deputy warden, \$1,200; the chaplain, \$1,000; the physician, \$1,000; the chief clerk, \$1,200; one assistant clerk and operator, \$900; one steward, \$1,200; one assistant steward, \$900; one matron, \$600; one chief engineer, \$1,200; one assistant engineer, \$900; one receiving and discharging officer, \$600; one usher and instructor, \$500; one captain night watch, \$500; one wagon master, \$500; one superintendent of gas works, \$500; one foreman of blacksmith shop, \$400; one mail carrier and messenger, \$300; to each first class guard, \$500; to each second class guard, \$400.*



1. Introduced by Mr. White March 11, 1879, and ordered to first reading.
  2. First reading March 13, 1879, and referred to Committee on Labor and Manufactures.
  3. Reported back with amendments, passage recommended, and ordered to second reading March 14, 1879.
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Amendments to Senate Bill No. 393, recommended by the Committee on Labor and Manufactures March 14, 1879.

Amend the title by striking out after the word "act" in line two of title in the written bill, the words "to provide for the stamping of articles manufactured at penal institutions in this State," and insert in lieu thereof the words "in regard to the stamping or marking and sale of goods, wares, merchandise, or other articles manufactured or produced at, or in penal institutions."

Amend by striking out "section four." after the word "articles" in line eight of the written bill in said section, and inserting in lieu thereof the following words: "In such penitentiary, bridewell, house of correction or other penal institution in this State, or who shall engage in the business of selling any goods, wares or merchandise, or other articles manufactured or produced at or in any penitentiary, bridewell, house of correction or other penal institutions out of this State to provide or furnish themselves with suitable stamps, stencils or other appliances, to stamp or otherwise mark such articles so manufactured, in such a manner as to plainly indicate and show that such goods, wares, merchandise or other articles so stamped or marked, were manufactured or produced at a penal institution. Any person who shall fail or refuse to comply with the provisions of this act, on conviction thereof shall be fined not less than fifty dollars, nor more than five hundred dollars, or imprisoned not to exceed ninety days, or either or both of them at the discretion of the court trying the same.

## A BILL

For an act to provide for the stamping of articles manufactured at Penal Institutions in this State.

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SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That all goods, wares, merchandise or other articles hereafter manufactured or produced at or in any State penitentiary, bridewell, house of correction, or other penal institution in this State, shall, before the same are removed from the place of manufacture, be plainly stamped or otherwise marked in such manner as that the stamp or mark cannot be removed without injury to the article so stamped or marked, indicating and showing that such article so stamped or marked, was manufactured at such penitentiary, bridewell, house of correction, or other penal institution.

§ 2. It is hereby made the duty of the commissioner, warden, superintendent or other executive officer having control or management of any such penitentiary, bridewell, house of correction or other penal institution in this State to provide and furnish to such contractor manufacturing or producing such goods, wares, merchandise or other product at any State penitentiary, bridewell, house of correction or other penal institution, suitable stamps, stencil or other appliance, to stamp or otherwise mark such product in the manner provided in the first section of this act.

§ 3. It is hereby made the duty of any and all person or persons engaged in the manufacture or production of any such goods, wares, merchandise or other articles at any State penitentiary, bridewell, house of correction or other penal institution in this State, to stamp or otherwise mark, or cause to be stamped or otherwise marked with the stamp or stencil or other appliance, so provided, all goods, wares, merchandise or other articles by them manufactured or produced.

§ 4. Be it further enacted, That any commissioner, warden, superintendent or executive officer, having control or management of any such penitentiary, bridewell, house of correction or other penal institution, or any person or persons manufacturing or pro-

4 ducing any goods, wares, merchandise or other articles, who shall fail to comply with  
 5 the provisions of this act, shall, on conviction thereof, be fined not less than fifty dol-  
 6 lars, nor more than five hundred dollars, or imprisoned not to exceed ninety days, or  
 7 either or both of them, at the discretion of the court trying the same.



1. Introduced by Mr. Riddle, March 11, 1879, and ordered to first reading.
2. First reading March 11, 1879, and referred to Committee on Judiciary.
3. Reported back, passage recommended and ordered to second reading March 19, 1879.

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## A BILL

For an act to amend an act to revise the law in relation to Dower, approved  
March 4, 1874.

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*SECTION 1. Be it enacted by the people of the State of Illinois, represented in the General*

*Assembly, That section thirty-nine of an act to revise the law in relation to dower, approved March 4, 1874, be amended to read as follows, to-wit:*

§ 39. When the estate out of which dower is to be assigned consists of a mill or other tenement which can not be divided without damage to the whole, and in all cases where the estate can not be divided without great injury thereto, the dower may be assigned of the rents, issues and profits thereof, to be had and received by the persons entitled thereto as tenant in common with the owners of the estate, or it may be referred to a master in chancery to take proof of the yearly value of the dower therein, assess the same, and make report thereof according to the practice in courts of chancery; and upon the final confirmation of such report, the court shall enter a decree that there be paid to such person, as an allowance in lieu of dower, on the day therein named, the sum so assessed as the yearly value of such dower, and the same sum on the same day of each year thereafter during his or her natural life, and may make the same a lien on any real estate of the party against whom such decree is rendered, or cause the same to be otherwise secured.





1. Introduced by Mr. Jeebyn, March 11, 1879, and ordered to first reading.
2. First reading March 11, and referred to Committee on Railroads.
3. Reported back, passage recommended, and ordered to second reading, May 29.

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## A BILL

For an act for the protection of railroad employes, and relating to superstructures over railroad tracks.

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SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That all railroad corporations owning or operating any line of railroad in this State, which now are, or may be hereafter, required to build or maintain any bridge at any farm crossing or highway over the track of such railroad, shall make the bridge of height sufficient to be six and one-half feet in the clear above the top of any freight car passing under such bridge.

§ 2. All railroad corporations operating any line of railroad in this State, whose track shall pass on any bridge, trestle-work or other superstructure, shall so construct such bridge, trestle-work, or other superstructure, that the portion of it, if any, being over the railroad track, shall be at least six and one-half feet above the top of any freight car passing on such track.

§ 3. Any railroad corporation failing to comply with the provisions of this act shall be liable, to the parties entitled thereto, for all damages and injuries resulting from such non-compliance. And such liability shall exist as well where the injury or damage results to an employe as to any other person. And in case of death resulting from such

5 injury, the railroad corporation shall be liable therefor. And such corporations shall  
6 also be liable to such fines and penalties as now are provided for violating the provi-  
7 sions of an act in relation to fencing and operating railroads, approved March 31, 1874.

1. Introduced by Mr. Joslyn March 11, 1879, and ordered to first reading.
2. First reading March 11, 1879, and referred to Committee on Appropriations.
3. Reported back, passage recommended, and ordered to second reading March 14, 1879.

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## A BILL

For an Act to make an appropriation to provide for purchasing and placing passenger elevators in the State House.

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SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That there is hereby appropriated the sum of twelve thousand dollars, for the purpose of purchasing and placing in the State House, two passenger elevators.

§ 2. It is hereby made the duty of the Governor, Secretary of State, and Treasurer, immediately upon this act becoming a law to purchase said elevators, and have them placed in their proper position in the State House.

§ 3. The Auditor of Public Accounts is hereby directed to issue his warrants for the above named sum upon certificates being filed with him, in favor of the person or persons, by whom said elevators may be furnished, said certificates to be approved by the Governor.



1. Introduced by Mr. Mayborne, March 12, 1879, and ordered to first reading.
2. First reading March 12, and referred to Committee on State Library.
3. Reported back April 11, with amendments, passage recommended, and ordered to second reading.

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Amendments to House Bill 401, reported from Committee on State Library, April 11, 1879.

Amend section 1 by adding thereto the following: "And shall in all respects be a

2 work suitable to the wants of the courts."

3 Amend section 2 by striking out the words "six hundred copies," and insert in lieu  
4 thereof "three hundred copies."

5 Also, by striking out "six dollars per volume," and inserting in lieu thereof "five  
6 dollars per volume."

7 Also, by adding to said section 2 the following: "But no books shall be purchased  
8 as hereinafter provided, until the judges of the supreme court shall certify that such  
9 books comply in all respects with all the requirements of this act."

10 Amend section three by striking out all after the word "Congress," and inserting in  
11 lieu thereof the following: "And one copy to each court of record in this State, to be  
12 held and used for the use of said court; five copies for each supreme and appellate  
13 court library, in this State, and the balance of said copies to remain in the State library,  
14 to be used by the Secretary of State as exchanges for like works with other states and  
15 territories: *Provided*, that the number of copies in the State library shall not be re-  
16 duced below ten."

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**A BILL**

For an Act to purchase and distribute copies of a digest of the Illinois Reports.

WHEREAS, It is necessary, for the proper administration of justice, that a complete and accurate digest of all the Illinois reports, from 1819 to 1879, should be placed in the public offices, and in the hands of the judiciary, in this State; and Whereas, Edward J. Hill has prepared such a digest, and is about publishing the same; therefore,

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the said digest shall be made of the size and quality similar to the volumes of the United States digest now being published, not to exceed four royal octavo volumes, arranged under one general alphabet of topics, with tables of cases and contents, and a general index with cross references to subjects and sections, in manner usual to such works.

§ 2. That on completion of the several volumes, respectively, of said digest, as required by the foregoing section, the Secretary of State is hereby authorized and directed to purchase six hundred copies thereof, for the use of the State, at six dollars per volume, to be paid for when delivered and certified by the Secretary of State, upon the warrant of the Auditor, by the State Treasurer, out of moneys appropriated for that purpose.

§ 3. The said digest shall be distributed as follows: One copy of each volume to the President of the United States, five copies to the library of Congress, and one copy to each State and Territorial library, and one copy to each Judge of a court of record, one copy to each clerk of a court of record, one copy to each State's Attorney, one copy to each Law Institute, one copy to each State officer required to reside at the seat of government, two copies to the Reporter of the Supreme Court, five copies to each Supreme Court and Appellate Court library, and twenty-five copies to the State library in this State.

1. Introduced by Mr. Riddle March 12, 1879, and ordered to first reading.
2. First reading March 13, 1879, and ordered to second reading.

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## A BILL

For an Act making an appropriation for the furnishing of the Coat of Arms of the State of Illinois, to be placed in the home of George Washington, at Mount Vernon.

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WHEREAS, for several years past the "Mount Vernon Ladies' Association of the Union" has been engaged in the work of repairing and restoring the estate of George Washington, at Mount Vernon, as the trustee and the guardian thereof for the nation; and whereas, it is now the desire of the Association to repair and refurnish the rooms of the old homestead; and whereas, to that end, certain rooms have been set off to certain of States, the citizens of which States, through said Association, are now engaged in the work of restoration and refurnishing (among which are the States of New York, Ohio, Connecticut and the State of Illinois); and whereas, it is the desire, and part of the plan of said Association, that the Coat of Arms of each of said States shall be placed over the entrance to such room so set off to such State; and whereas, the Illinois branch of said Association is now engaged in the work of restoring and refurnishing what is known as the West Parlor, the room so set off to the State of Illinois, and hereafter to be called "The Illinois Room;" therefore,

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the sum of one hundred and fifty (\$150) dollars be, and the same is hereby appropriated for the cost of furnishing such Coat of Arms, to be executed in such manner and style as shall conform with the general plan of said Association in reference to such Coats of Arms.



§ 2. The money herein appropriated, shall be paid directly from the Treasury of  
the State, on the warrant of the Auditor of Public Accounts, to the Treasurer of the  
Illinois branch of the Mt. Vernon Ladies' Association, upon the written order of the  
Vice-Regent of said Association for the State of Illinois.

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(In House.)

1. Reported to House April 23, 1879.
2. First reading April 23, and referred to Committee on Appropriations.
3. Reported back, passage recommended, and ordered to second reading April 30.

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## A BILL

For an act making an appropriation for the furnishing of the Coat of Arms of the State of Illinois, to be placed in the home of George Washington, at Mount Vernon.

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WHEREAS, For several years past the "Mount Vernon Ladies' Association of the Union" has been engaged in the work of repairing and restoring the estate of George Washington, at Mount Vernon, as the trustee and the guardian thereof for the Nation: and,

WHEREAS, It is now the desire of the association to repair and refurnish the rooms of the old homestead; and,

WHEREAS, To that end, certain rooms have been set off to certain of the States, the citizens of which States, through said association, are now engaged in the work of restoration and refurnishing (among which are the States of New York, Ohio, Connecticut and the State of Illinois); and,

WHEREAS, It is the desire, and part of the plan of said association, that the Coat of Arms of each of said States shall be placed over the entrance to such room so set off to such State; and,

WHEREAS, The Illinois branch of said Association is now engaged in the work of restoring and refurnishing what is known as the West Parlor, the room so set off to the State of Illinois, and hereafter to be called "The Illinois Room;" therefore,

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General*  
2 *Assembly.* That the sum of one hundred and fifty dollars (\$150) be and the same is  
3 hereby appropriated for the cost of furnishing such Coat of Arms, to be executed in  
4 such manner and style as shall conform with the general plan of said association in  
5 reference to such Coats of Arms.

§ 2. The money herein appropriated shall be paid directly from the treasury of the  
2 State, on the warrant of the Auditor of Public Accounts, to the treasurer of the Illinois  
3 branch of the Mount Vernon Ladies' Association, upon the written order of the vice-  
4 regent of said association for the State of Illinois.

1. Introduced by Mr. Shutt March 12, 1879, and ordered to first reading.
2. First reading March 13, 1879, and referred to Committee on Judiciary.
3. Reported back, passage recommended and ordered to second reading March 14, 1879.

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### A BILL

For an act to amend section 258, division 1, of an act entitled "An Act to revise the Law in relation to Criminal Jurisprudence," approved March 27, 1874; in force July 1, 1874.

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SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That section 258, division 1 of an act entitled "An Act to revise the Law in relation to Criminal Jurisprudence," approved March 27, 1874; in force July 1, 1874, be and the same is hereby amended, so as to read as follows:

"Any person who shall hereafter knowingly and willfully bring or cause to be brought into this State, any swine having the disease known as hog cholera, or domestic animals of any kind infected with contagious disease, or who shall knowingly and willfully suffer or permit swine having the disease known as hog cholera, or domestic animals of any kind infected with contagious disease, to run at large, shall be fined in any sum not exceeding \$100, and shall be liable in a civil action for all damages occasioned thereby.



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(In House).

1. Reported to House May 2, 1879.
2. First reading May 5, and referred to Committee on Corporations.
3. Reported back, passage recommended, and ordered to second reading May 15.

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## A BILL

For an act to amend section 258, division 1, of an act entitled "An act to revise the law in relation to Criminal Jurisprudence," approved March 27, 1874; in force July 1, 1874.

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SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That section 258, division 1, of an act entitled "An act to revise the law in relation to Criminal Jurisprudence," approved March 27, 1874; in force July 1, 1874, be and the same is hereby amended so as to read as follows:

SECTION 58. Any person who shall hereafter knowingly and willfully bring or cause to be brought into this State, any swine having the disease known as hog cholera, or domestic animals of any kind infected with contagious disease, or who shall knowingly and willfully suffer or permit swine having the disease known as hog cholera, or domestic animals of any kind infected with contagious disease, to run at large, shall be fined in any sum not exceeding one hundred dollars (\$100), and shall be liable in a civil action for all damages occasioned thereby.



1. Introduced by Mr. Lee March 13, 1879, and ordered to first reading.
2. First reading March 13, 1879, and referred to Committee on Judiciary.
3. Reported back, passage recommended, and ordered to second reading March 19, 1879.

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## A BILL

For an act to amend the eighth section of an act entitled "An Act to establish houses of correction and authorize the confinement of convicted persons therein," approved April 25, 1871, in force July 1, 1871.

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SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the eighth section of an act entitled "An Act to establish houses of correction and authorize the confinement of convicted persons therein," approved April 25, 1871, in force July 1, 1871, be and the same is hereby amended so as to read as follows:

SECTION 8. The board of supervisors or commissioners of any county in this State shall have full power and authority to enter into an agreement with the legislative authority of such city or with any authorized agent or officer in behalf of said city, to receive and keep in said house of correction any person or persons who may be sentenced or committed thereto by any court or magistrate in any of said counties. Whenever such agreement shall have been made, it shall be the duty of the board of supervisors or commissioners for any county in behalf of which such agreement shall have been made, to give public notice thereof in some newspaper printed and published within said county, for a period not less than four weeks, and such notice shall state the period of time for which such agreement will remain in force.





1. Introduced by Mr. Joslyn March 13, 1879, and ordered to first reading.
2. First reading March 13, and referred to Committee on Appropriations.
3. Reported back with amendments, passage recommended and ordered to second reading April 16.

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**Amendment to Senate Bill No. 410, by Committee on Appropriations.**

Amend section one, line three of the written bill, by striking out the words and figures "twelve thousand dollars (\$12,000)," and insert in lieu thereof the words "fifteen thousand dollars."

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**A BILL**

For an Act to provide for the incidental expenses of the Thirty-first General Assembly, and for the care and custody of the State House and grounds, incurred or to be incurred, and now unprovided for until July 1, 1879.

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**SECTION 1.** *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That the sum of twelve thousand (\$12,000) dollars, or so much thereof as may be required, is hereby appropriated to pay for the incidental expenses of the Thirty-first General Assembly, that may be or have been incurred by order or resolution of the General Assembly, or either branch thereof, or by the Secretary of State in the discharge of the duties imposed upon him by law or by the direction of the General Assembly, or either branch thereof, and which are not otherwise provided for. All bills of expense incurred by either branch of the General Assembly to be paid upon the cer-*

9 tificate of the presiding officer of that branch of the General Assembly for which the  
10 indebtedness was incurred, and also certified by the Secretary of State and approved  
11 by the Governor. All other expenditures to be certified by the Secretary of State and  
12 approved by the Governor.

§ 2. The Auditor of Public Accounts is hereby authorized and directed to draw his  
2 warrants upon the State Treasurer for the sums herein specified, upon presentation of  
3 the proper vouchers, and the State Treasurer shall pay the same out of any funds in  
4 the State Treasury not otherwise appropriated.

3. WHEREAS, The appropriations above recited are necessary for the expenses in-  
2 curred, or to be incurred, for the transaction of the business of the State and the General  
3 Assembly; therefore, an emergency exists, and this act shall take effect and be in force  
4 from and after its passage.

1. Introduced by Mr. Joslyn, March 13, 1879, and ordered to first reading.
2. First reading March 13, and referred to Committee on Appropriations.
3. Reported back with amendments, passage recommended and ordered to second reading April 16.
4. Second reading, amended and ordered to third reading, April 24.

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## A BILL

For an Act to provide for the incidental expenses of the Thirty-first General Assembly, and for the care and custody of the State House and grounds, incurred or to be incurred, and now unprovided for until July 1, 1879.

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SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the sum of fifteen thousand (\$15,000) dollars, or so much thereof as may be required, is hereby appropriated to pay for the incidental expenses of the Thirty-first General Assembly, that may be or have been incurred by order or resolution of the General Assembly, or either branch thereof, or by the Secretary of State in the discharge of the duties imposed upon him by law or by the direction of the General Assembly, or either branch thereof, and which are not otherwise provided for. All bills of expense incurred by either branch of the General Assembly to be paid upon the certificate of the presiding officer of that branch of the General Assembly for which the indebtedness was incurred, and also certified by the Secretary of State and approved by the Governor. All other expenditures to be certified by the Secretary of State and approved by the Governor.

§ 2. The Auditor of Public Accounts is hereby authorized and directed to draw his warrants upon the State Treasurer for the sums herein specified, upon presentation of

3 the proper vouchers, and the State Treasurer shall pay the same out of any funds in  
4 the State Treasury not otherwise appropriated.

§ 3. WHEREAS, The appropriations above recited are necessary for the expenses in-  
2 curred, or to be incurred, for the transaction of the business of the State and the General  
3 Assembly; therefore, an emergency exists, and this act shall take effect and be in force  
4 from and after its passage.

(In House.)

1. Reported to House April 29, 1879.
2. First reading May 5, and referred to Committee on Appropriations.
3. Reported back, passage recommended and ordered to second reading, May 10.

## A BILL

For an Act to provide for the incidental expenses of the Thirty-first General Assembly, and for the care and custody of the State House and grounds, incurred or to be incurred, and now unprovided for, until July 1, 1879.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the sum of fifteen thousand (\$15,000) dollars, or so much thereof as may be required, is hereby appropriated to pay for the incidental expenses of the Thirty-first General Assembly, that may be or have been incurred by order or resolution of the General Assembly, or either branch thereof, or by the Secretary of State in the discharge of the duties imposed upon him by law, or by the direction of the General Assembly, or either branch thereof, and which are not otherwise provided for. All bills of expense incurred by either branch of the General Assembly to be paid upon the certificate of the presiding officer of that branch of the General Assembly for which the indebtedness was incurred, and also certified by the Secretary of State and approved by the Governor. All other expenditures to be certified by the Secretary of State and approved by the Governor.

§ 2. The Auditor of Public Accounts is hereby authorized and directed to draw his warrants upon the State Treasurer for the sums herein specified, upon presentation of the proper vouchers, and the State Treasurer shall pay the same out of any funds in the State treasury not otherwise appropriated.

§ 2. Whereas, The appropriations above recited are necessary for the expenses in-  
curred, or to be incurred, for the transaction of the business of the State and the Gen-  
eral Assembly; therefore, an emergency exists, and this act shall take effect and be in  
force from and after its passage.

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(In House.)

1. Reported to House April 29, 1879.
  2. First reading May 5, and referred to Committee on Appropriations.
  3. Reported back, passage recommended, and ordered to second reading, May 10.
  4. Second reading, amended, and ordered to third reading, May 15.
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Amendment to Senate Bill No. 410, adopted May 15, 1879.

Amend by inserting at the end of line 12, section 1, as follows: "And further, that

- 2 there be the sum of fifty-two dollars appropriated to pay T. W. Matlocks, for mileage
- 3 and attendance as a witness before special committee of the senate of the Thirtieth
- 4 General Assembly."





1. Introduced by Mr. Joslyn, March 10, 1879, and ordered to first reading.
2. First reading March 10, 1879, and referred to Committee on Appropriations.
3. Reported back with amendments, passage recommended, and ordered to second reading April 16, 1879.

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Amendments to Senate Bill No. 411, by Committee on Appropriations.

Amend section one by striking out the words "seven thousand five hundred and seventy-eight dollars and ninety five cents," in line fifteen of the written bill, and insert in lieu thereof the words "five thousand four hundred and twenty-six dollars and ten cents."

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### A BILL

For an act to provide for the expenses of heating the State House, for the State binding, and also for the office expenses of the Superintendent of Public Instruction and Adjutant General, incurred or to be incurred, and now unprovided for, until June 30, 1879.

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SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the following appropriations, or so much thereof as may be necessary, be and the same are hereby made to meet the necessary expenses of heating the State House, State binding, and the expenses of the offices herein named, incurred, or to be incurred, and now unprovided for, until June 30, 1879.

First—The sum of four thousand (\$4,000) dollars, or so much thereof as may be necessary, for heating, fuel, engineers and firemen of the State House, to be paid by the State Treasurer, as now required by law.

9 Second—The sum of seven thousand five hundred and seventy-eight and ninety-five  
 10 one-hundredths (\$7,578.95) dollars for the payment of D. W. Lusk, late contractor for  
 11 State binding, being the amount due for work done under contract which expired No-  
 12 vember last; and, also, for the work that may be done by the present contractor for  
 13 State binding prior to the first day of July, 1879, the sum of five thousand dollars, or  
 14 so much thereof as may be required, is appropriated, to be paid in accordance with the  
 15 contract and upon the certificate of the Commissioners of State Contracts approved by  
 16 the Governor.

17 Third—The sum of seven hundred dollars for postage, repairs, telegraphing and  
 18 other incidental expenses of the office of Superintendent of Public Instruction, to be  
 19 paid by the State Treasurer, as now provided by law.

20 Fourth—The sum of three hundred dollars for postage, repairs and other incidental  
 21 expenses of the office of the Adjutant General, to be paid by the State Treasurer as  
 22 now provided by law.

§ 2. The Auditor of Public Accounts is hereby authorized and directed to draw his  
 2 warrant upon the State Treasurer for the sums herein specified upon presentation of  
 3 the proper vouchers, and the State Treasurer shall pay the same out of any funds in  
 4 the State Treasury not otherwise appropriated.

§ 3. WHEREAS, The appropriations above recited are necessary for the transaction  
 2 of the business of the State; therefore, an emergency exists, and this act shall take ef-  
 3 fect and be in force from and after its passage.

1. Introduced by Mr. Joslyn, March 10, 1879, and ordered to first reading.
2. First reading March 19, and referred to Committee on Appropriations.
3. Reported back with amendments, passage recommended and ordered to second reading April 16.
4. Second reading, amended and ordered to third reading, April 24.

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## A BILL

For an Act to provide for the expenses of heating the State House, for the State binding, and also for the office expenses of the Superintendent of Public Instruction and Adjutant General, incurred or to be incurred, and now unprovided for, until June 30, 1879.

---

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General*

2 *Assembly, That the following appropriations, or so much thereof as may be necessary,*  
3 *be and the same are hereby made to meet the necessary expenses of heating the State*  
4 *House, State binding, and the expenses of the offices herein named, incurred or to be*  
5 *incurred, and now unprovided for, until June 30, 1879.*

6 First—The sum of four thousand (\$4,000) dollars, or so much thereof as may be neces-  
7 sary for heating, fuel, engineers and firemen of the State House, to be paid by the State  
8 Treasurer, as now required by law.

9 Second—The sum of five thousand four hundred and twenty-six dollars and ten cents  
10 (\$5,426.10) for the payment of D. W. Lusk, late contractor for State binding, being the  
11 amount due for work done under contract which expired November last; also for the  
12 work that may be done by the present contractor for State binding prior to the first  
13 day of July, 1879, the sum of five thousand dollars, or so much thereof as may be re-  
14 quired, is appropriated, to be paid in accordance with the contract, and upon the certi-  
15 ficate of the Commissioners of State Contracts approved by the Governor.

16 Third—The sum of seven hundred dollars for postage, repairs, telegraphing and other

17 incidental expenses of the office of Superintendent of Public Instruction, to be paid by  
18 the State Treasurer, as now provided by law.

19 Fourth—The sum of three hundred dollars for postage, repairs or other incidental  
20 expenses of the office of the Adjutant General, to be paid by the State Treasurer as  
21 now provided by law.

§ 2. The Auditor of Public Accounts is hereby authorized and directed to draw his  
2 warrant upon the State Treasurer for the sums herein specified upon presentation of  
3 the proper vouchers, and the State Treasurer shall pay the same out of any funds in  
4 the State Treasury not otherwise appropriated.

§ 3. WHEREAS, The appropriations above recited are necessary for the transaction of  
2 the business of the State ; therefore, an emergency exists, and this act shall take effect  
3 and be in force from and after its passage.

(In House.)

1. Reported to House April 29, 1879.
2. First reading May 5, and referred to Committee on Appropriations.
3. Reported back, passage recommended, and ordered to second reading May 9.

## A BILL

For an Act to provide for the expenses of heating the State House, for the State binding, and also for the office expenses of the Superintendent of Public Instruction and Adjutant General, incurred or to be incurred, and now unprovided for, until June 30, 1879.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General*

*Assembly, That the following appropriations, or so much thereof as may be necessary, be and the same are hereby made to meet the necessary expenses of heating the State House, State binding, and the expenses of the offices herein named, incurred or to be incurred, and now unprovided for, until June 30, 1879.*

*First—The sum of four thousand (\$4,000) dollars, or so much thereof as may be necessary for heating, fuel, engineers and firemen of the State House, to be paid by the State Treasurer, as now required by law.*

*Second—The sum of five thousand four hundred and twenty-six dollars and ten cents (\$5,426.10) for the payment of D. W. Dusk, late contractor for State binding, being the amount due for work done under contract which expired November last; also for the work that may be done by the present contractor for State binding prior to the first day of July, 1879, the sum of five thousand dollars, or so much thereof as may be required, is appropriated, to be paid in accordance with the contract, and upon the certificate of the Commissioners of State Contracts, approved by the Governor.*

*Third—The sum of seven hundred dollars (\$700) for postage, repairs, telegraphing and*

17 other incidental expenses of the office of Superintendent of Public Instruction, to be  
18 paid by the State Treasurer, as now provided by law.

19 Fourth—The sum of three hundred dollars (\$300) for postage, repairs or other inci-  
20 dental expenses of the office of the Adjutant General, to be paid by the State Treasurer  
21 as now provided by law.

§ 2. The Auditor of Public Accounts is hereby authorized and directed to draw his  
2 warrant upon the State Treasurer for the sums herein specified upon presentation of the  
3 proper vouchers, and the State Treasurer shall pay the same out of any funds in the  
4 State Treasury not otherwise appropriated.

§ 3. WHEREAS, The appropriations above recited are necessary for the transaction  
5 of the business of the State; therefore, an emergency exists, and this act shall take  
6 effect and be in force from and after its passage.

1. Introduced by Mr. Kuykendall, March 13, 1879, and ordered to first reading.
2. First reading March 13, and referred to Committee on Judicial Department.
3. Reported back with recommendation that bill be printed and ordered to second reading. So ordered, April 24.

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## A BILL

For an Act to abolish the Grand Jury, and to provide for the prosecution of persons charged with crimes and misdemeanors upon information.

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SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the Grand Jury shall not hereafter be drawn, summoned or required to attend at the sitting of any court within this State.

§ 2. The several courts of this State shall possess and may exercise the same power and jurisdiction, to hear, try and determine prosecutions upon information for crimes, misdemeanors and offenses, to issue writs and process, and do all other acts therein as they possess and may exercise in cases of like prosecution upon indictment.

§ 3. All information shall be filed during the term of the court having jurisdiction of the offenses specified therein, except as hereinafter provided by the State's Attorney of the proper county as informant, and he shall subscribe his name thereto.

§ 4. The offense charged in any information shall be stated in plain concise language, without prolixity or unnecessary repetition. Different offenses and different degrees of the same offense may be joined in one information, in all cases where the same might be joined by different counts in one indictment, and in all cases a defendant or defendants shall have the same rights as to all proceedings therein, as he or they would have if prosecuted for the same offense upon indictment.

§ 5. All provisions of law, applying to prosecutions upon indictments, to writs and



process therein and the issuing and service thereof, to motions, pleadings, trials and punishments, or the passing or execution of any sentence, and to all other proceedings in cases of indictment, whether in the court of original or appellate jurisdiction, shall, to the same extent and in the same manner, as near as may be, apply to informations and all prosecutions and proceedings therein.

§ 6. Any person who may, according to law, be committed to jail, or become recognized or held to bail, with sureties for his appearance in court to answer to any indictment, may in like manner be so committed to jail or become recognized and held to bail for his appearance to answer to any information or indictment, as the case may be.

§ 7. It shall be the duty of the State's Attorney of the proper county to inquire into and make full examination of all the facts and circumstances connected with any case of preliminary examination, as provided by law, touching the commission of any offense whereon the offender shall be committed to jail, or become recognized or held to bail; and if the State's Attorney shall determine in any such case that an information ought not to be filed, he shall make, subscribe and file with the clerk of the court a statement in writing containing his reasons, in fact and in law, for not filing an information in such case; such statement shall be filed at and during the term of the court at which the offender shall be held for appearance: *Provided*, that in such case the court may examine such statement, together with the evidence filed in the case; and if, upon such examination, the court shall not be satisfied with such statement, the State's Attorney shall be directed by the court to file the proper information and bring the case to trial.

§ 8. No information shall be filed against any person for any offense until such person shall have had a preliminary examination as provided by law, before a justice of the peace or any examining magistrate or officer, unless such person shall waive his right to such examination, provided that information may be filed without such examination against fugitives from justice, within the meaning of the constitution and laws of the United States.

§ 9. Whenever any information shall be filed by the State's Attorney under the provisions of this act, without a preliminary examination, and the defendant in such information shall be acquitted or discharged without trial thereof, it shall be the duty of the court in which the defendant shall be so acquitted or otherwise discharged to determine whether such information was filed upon probable cause and in good faith

6 and when found to be so filed, to file a duplicate of such determination that such infor-  
 7 mation was filed for probable cause and in good faith. And when such court shall not  
 8 file such duplicate, the defendant in such information may maintain an action against  
 9 such State's Attorney for malicious prosecution.

§ 10. In case any preliminary examination has been had, as provided by law, and  
 2 the person complained of has been discharged for want of sufficient evidence to raise a  
 3 probability of his guilt, and the State's Attorney shall afterwards discover admissible  
 4 evidence sufficient, in his judgment to convict the person discharged, he may notwith-  
 5 standing such discharge, cause another complaint to be made before any officer author-  
 6 ized by law to make such examination and thereupon a second arrest and examination  
 7 shall be had.

§ 11. The information may be in the following form :

2 State of Illinois, County,  
 3 In Court,  
 4 State of Illinois,  
 5 Against  
 6 (Name of accused.)

7 I, , State's Attorney, for said county, hereby inform the court that on the  
 8 day of , in the year , at said county, A B (name or alias of  
 9 accused) did (state the offense), against the peace and dignity of the State of Illinois.  
 10 Dated

11 State's Attorney.

§ 12. The information shall be sufficient, if it can be understood therefrom—

2 First—That it is presented by the person authorized by law to prosecute the offense.

3 Second—That the defendant is named therein or described as a person whose name  
 4 is unknown to the informant.

5 Third—That the offense was committed within the jurisdiction of the court, or is  
 6 triable therein.

7 Fourth—That the offense charged is set forth with such degree of certainty that the  
 8 court may pronounce judgment, upon a conviction, according to the right of the case.

§ 13. In informations for murder or manslaughter, it shall not be necessary to set  
 2 forth the manner in which, or the means by which, the death of the deceased was caused,

3 but it shall be sufficient, in any information for murder, to charge that the accused did  
 4 wilfully, feloniously, and of his malice aforethought, kill and murder the deceased; and  
 5 in any information for manslaughter, it shall be sufficient to charge that the accused  
 6 did feloniously kill and slay the deceased.

§ 14. In informations for wilful and corrupt perjury, it shall be sufficient to set  
 3 forth the substance of the offense charged, and in what court or before whom the oath  
 3 or affirmation was taken, averring such court, person or body to have competent author-  
 4 ity to administer the same, together with the proper averments to falsify the matter  
 5 wherein the perjury is assigned, without setting forth the information, complaint, affi-  
 6 davit, declaration, or part of any records or proceedings other than as aforesaid, and  
 7 without setting forth the commission or authority of the court, person or body before  
 8 whom the perjury was committed. In information for subornation of perjury, or for  
 9 endeavoring to incite or procure any person to commit the crime of perjury, it shall be  
 10 sufficient to set forth the substance of the offense charged upon the defendant, without  
 11 setting forth the information, complaint, affidavit, declaration or part of any record or  
 12 proceedings, and without setting forth the commission or authority of the court, person  
 13 or body before whom the perjury was committed, agreed, promised, or incited to be  
 14 committed.

§ 15. In any information for falsely making, uttering, forging, printing, photo-  
 2 graphing, disposing of or putting off any instrument, it shall be sufficient to set forth  
 3 the purport thereof.

§ 16. In any information for engraving, making, or mending, or beginning so to do,  
 2 any instrument, matter or thing, or for providing, using, or having the unlawful cus-  
 3 tody or possession of any instrument or other material, matter or thing, it shall be  
 4 sufficient to describe such instrument, material, matter or thing, by any name or desig-  
 5 nation by which the same may be usually known.

§ 17. It shall be the duty of the State's Attorney of the proper county to inquire  
 2 into and make full examination of all facts and circumstances connected with any case  
 3 of preliminary examination, as provided by law, touching the commission of any offense  
 4 whereon the offender shall have been or shall be committed to jail, or become recog-  
 5 nized or held to bail, and to file an information, setting forth the crime committed,  
 6 according to the facts ascertained on such examination, and from the written testimony

7 taken thereon, whether it be the same offense charged in the complaint on which  
 8 the examination was had or not; but if the State's Attorney shall determine in any  
 9 such case that an information ought not to be filed, he shall make, subscribe and file  
 10 with the clerk of the court, a statement in writing, containing his reasons in fact and in  
 11 law for not filing an information in such case; such statement shall be filed at and dur-  
 12 ing the term of court at which the offender shall be held for appearance: *Provided*, that  
 13 in such case the court may examine such statement, together with the evidence filed  
 14 in the case, and if upon such examination the court shall not be satisfied with such  
 15 statement, the State's Attorney shall be directed by the court to file the proper infor-  
 16 mation and bring the case to trial.

§ 18. When an offense shall be committed in relation to any election, an information  
 2 for such offense shall be deemed sufficient if it allege that such election was authorized  
 3 by law, without stating the names of the judges or officers holding such election, or  
 4 the offices to be filled thereat, or the names of the persons voted for.

§ 19. In every information in which it shall be necessary to make any averment as  
 2 to any money, or bank bill, or note, United States treasury notes, postal or fractional  
 3 currency or other bills, bonds or notes, issued by lawful authority, and intended to pass  
 4 and circulate as money, or any United States bonds, it shall be sufficient to describe  
 5 such money or bills, notes, currency or bonds, simply as money without specifying any  
 6 particular coin, note, bill or bond, and such allegation shall be sustained by proof of  
 7 any amount of coin or of any such note, bill, currency or bond, although the particu-  
 8 lar species of coin of which such amount was composed, or the particular nature of such  
 9 notes, bills, currency or bond shall not be proven.

§ 20. An information for larceny may contain also a count for obtaining the same  
 2 property by false tokens or pretenses, or a count for embezzlement thereof, and for re-  
 3 ceiving or concealing the same property, knowing it to have been stolen, and the jury  
 4 may convict of either offense charged in the information.

§ 21. When the offense charged has been created by any statute, or the punishment  
 2 of such offense has been declared by any statute, the information shall, after verdict, be  
 3 held sufficient to warrant the punishment prescribed by the statute, if it describe the  
 4 offense in the words of the statute or of words of substantially the same meaning, and

5 words used in the statutes to define a public offense need not be strictly pursued in  
 6 charging an offense under such statute, but other words conveying the same meaning  
 7 may be used.

§ 22. In pleading a judgment or other determination of, or proceedings before, any  
 2 court or officer, the facts conferring jurisdiction need not be stated, but it shall be suffi-  
 3 cient to state that the judgment or determination was duly rendered or made, or the  
 4 proceeding duly had before such court or officer, but the facts conferring jurisdiction  
 5 must be established on the trial.

§ 23. In pleading a private statute or a right derived therefrom, it shall be sufficient  
 2 to refer to the statute by its title and the date of its approval.

§ 24. In case of the loss or destruction of an information, the State's Attorney may  
 2 file in court another information, and the prosecution shall proceed and trial be had  
 3 without delay from that cause.

§ 25. When it appears, at any time before verdict or judgment, that a mistake has  
 2 been made in charging the proper offense, the defendant shall not be discharged if  
 3 there appears to be good cause to detain him in custody, but the court may recognize  
 4 him to answer to the offense, and, if necessary, recognize the witnesses to appear and  
 5 testify.

§ 26. In an information for the larceny of any animal, or for any other public of-  
 2 fense committed in reference to any animal, it shall be sufficient to describe the ani-  
 3 mal by such name as, in the common understanding, embraces it, without designating  
 4 its sex.

§ 27. In an information for an offense committed in relation to property, it shall be  
 2 sufficient to state the name of any one, or the names of several joint owners.

§ 28. Any court of record in which the trial of an information is had, may forth-  
 2 with allow amendment in case of variance between the statement in the information  
 3 and the proof in the following cases: In the name or description of any person, place or  
 4 premises, or of any thing, writing or record, or the ownership of any property described  
 5 in the information, and in all cases where the variance between the information and  
 6 the proof are not material to the merits of the case.

§ 29. Upon allowing such amendments, the court may direct such amendment of

2 other parts of the information as may thereby be rendered necessary, and may, in its  
3 discretion, proceed in or postpone the trial.

§ 30. Whenever the plea of misnomer is pleaded to an information, the court may  
2 forthwith cause the information to be amended in that respect, and call upon the par-  
3 ties to plead thereto, as though no such plea had been pleaded.

§ 31. No information, process, return or other proceeding in a criminal case in the  
2 courts or course of justice shall be abated, quashed or reversed for any error or mistake  
3 where the person and the case may be rightly understood by the court, and the court  
4 may, on motion, order an amendment curing such defect.

§ 32. Whenever any person committed for trial and in actual confinement for an  
2 offense for which the highest penalty provided by law shall not exceed five years im-  
3 prisonment, shall request of the State's Attorney and county judge of the county in  
4 which the offense was committed, to be arraigned upon such charge before the county  
5 court, before the sitting of the court having jurisdiction to try the same, it shall be the  
6 duty of the State's attorney, upon receipt of such request, to file an information against  
7 the prisoner upon such charge, within five days thereafter, in the office of the clerk of  
8 the court having trial jurisdiction, and deliver a copy thereof to the prisoner. Such re-  
9 quest shall be in writing, subscribed by the prisoner in presence of the sheriff, under  
10 sheriff or jailor, who shall sign the same as attesting witnesses, and shall forthwith be  
11 delivered to the clerk of the proper court. Immediately upon receiving and filing the  
12 same, the clerk shall make two certified copies thereof, one of which the sheriff shall  
13 forthwith serve upon the State's Attorney, and the other upon the county judge.

§ 33. The county judge, upon receiving such request, shall at once issue an order  
2 fixing a time for such arraignment, and stating the place where the same will be had,  
3 which time shall be not less than six days after the receipt by him of such request. The  
4 sheriff shall serve a copy of such order upon the State's Attorney, the prisoner's coun-  
5 sel, if he have any, and if the prisoner is a minor, on the nearest relative of the prisoner,  
6 if any there be known to the sheriff residing in the county, at least three days before  
7 the time fixed for such arraignment.

§ 34. At the time fixed for such arraignment the sheriff or jailor shall produce the  
2 prisoner before the county judge at the usual court room of the county court. It shall  
3 be the duty of the sheriff, State's Attorney and clerk of the court having trial jurisdic-

tion to attend upon such arraignment. The clerk shall act as clerk of the county court in the proceeding, and shall exhibit the information and the evidence taken before the examining magistrate, if such examination has been had, to the county judge, who shall examine the same. If preliminary examination has been waived by the prisoner, the county judge shall inquire into the nature of the case, and may examine witnesses if necessary, to enable him to judge of the proper amount of punishment to be inflicted. The county judge shall cause due proof to be filed with the clerk, of the proper service of such request, and his order as herein required. The prisoner shall then, in open court be arraigned. The county judge or State's Attorney shall fully explain to him the exact nature of the offense charged in the information, and the penalty provided therefor by law.

§ 35. If, upon such explanation, the prisoner refuses to plead, or plead not guilty, such refusal or plea shall be entered on the minutes, and the prisoner remanded to jail, to await his trial. If he plead guilty to the information, the county judge shall receive the plea, shall pass sentence and render judgment thereon, in the same manner and with like effect as if such plea had been made in the court having trial jurisdiction, and shall inflict such punishment, either by fine or imprisonment, or both, as the nature of the case may require; but such punishment shall, in no case, be less nor greater than the penalty fixed by law for the offense charged. Such request, information, plea, sentence, judgment, and the minutes of all proceedings, shall be entered and recorded in a book to be kept for that purpose in the county court, in the same manner and substantially the same form as if the arraignment had been had in the court having trial jurisdiction, and the clerk shall also keep a similar record thereof, in the same form, in his office, in a book to be kept for that purpose.

§ 36. Such sentence shall be certified by the clerk from his record thereof, delivered and executed in the same manner as if passed by the court having trial jurisdiction.

§ 37. When any person shall be committed for trial, and in actual confinement, or in jail by virtue of any information pending against him, the court having trial jurisdiction may, at any law or special term thereof, upon the application of the prisoner, in writing, stating that he desires to plead guilty to the charge made against him by the complaint or information, direct an information to be filed, if one has not already

6 been filed, and upon the filing thereof, and of such application, may receive and record  
7 a plea of guilty and award sentence thereon.

§ 38. Nothing contained in this act shall in any manner whatsoever invalidate or  
2 effect any indictment now pending in any of the courts of this State.

§ 39. All laws or parts of laws in conflict with this act are hereby repealed.





1. Introduced by Mr. Hunt from Judiciary March 14, 1879, and ordered to first reading, and referred to Special Committee on Drainage.
2. March 20, reported back, passage recommended.
3. First reading March 22, 1879, and ordered to second reading.

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### A BILL

For an Act to provide for the construction, reparation and protection of drains, ditches and levees, across the lands of others, for agricultural, sanitary and mining purposes, and to provide for the organization of drainage districts.

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SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General*

2 *Assembly, That the county courts of the several counties of this State, shall have pow-*  
3 *er and jurisdiction to organize and establish drainage districts at any regular probate*  
4 *term thereof as hereinafter provided.*

§ 2. Whenever a majority of the owners of lands within a district proposed to be  
2 organized, who shall have arrived at lawful age, desire to construct a drain or drains,  
3 ditch or ditches, levee or levees, or other work across the lands of others, for agri-  
4 cultural, sanitary or mining purposes, or to maintain and keep in repair any such drain  
5 or drains, ditch or ditches, levee or levees heretofore constructed under any law of this  
6 State, such owners may file, in the county court of any county in which the greater part  
7 of the lands to be affected by said drain or drains, ditch or ditches, levee or levees,  
8 or other work proposed to be constructed, maintained or repaired, shall file, a peti-  
9 tion signed by a majority of the owners of said lands, within said district proposed to  
10 be organized as aforesaid, setting forth the proposed name of said drainage district, the  
11 necessity of the same, with a description of its or their proposed starting points, route  
2 and terminus, and, if the purpose of said owners is the repair and maintenance of a

13 ditch or ditches, levee or levees, or other work heretofore constructed under any law  
 14 of this State, said petition shall give a general description of the same, with such par-  
 15 ticulars as may be deemed important, and may pray for the organization of a drain-  
 16 age district, by the name and boundaries proposed, and for the appointment of Com-  
 17 missioners for the execution of such proposed work according to the provisions of  
 18 this act.

§ 3. Such petition being filed, the clerk of said county court shall cause three weeks  
 2 notice of the presentation and filing of such petition, to be given by posting notices  
 3 thereof, in at least three of the most public places in said proposed district, in which  
 4 said work is to be done, and also by publishing a copy thereof at least once a week for  
 5 three successive weeks in some newspaper or newspapers published in each county,  
 6 from which any part of said district is proposed to be formed. Such notices shall state  
 7 when and in what court said petition was and is filed, the starting point, route, termini,  
 8 and general description of the proposed route, the boundaries and name of the proposed  
 9 drainage district and at what term of the said court the petitioners will ask a hearing  
 10 on such petition, and the certificate of said clerk or the affidavits of others affixed to a  
 11 copy of said notices, shall be sufficient evidence of the posting and publication of said  
 12 notices.

§ 4. The county court in which such petition shall be filed may hear the petition  
 2 at any probate term, and may determine all matters pertaining thereto under this act,  
 3 and may adjourn the hearing from time to time, or continue the case, for the want of  
 4 sufficient notice, or other good cause.

§ 5. On the hearing of any petition filed under the provisions of this chapter, all  
 2 parties through or upon whose land any of the proposed work may be constructed, or  
 3 whose lands may be damaged or benefited thereby, may appear and contest the neces-  
 4 sity or utility of the proposed work, or any part thereof, and the contestants and peti-  
 5 tioners may offer any competent evidence in regard thereto. It shall be the duty of  
 6 the court to hear and determine whether or not the said petition contains the signa-  
 7 tures of a majority of the owners of lands within said proposed district, who are of  
 8 lawful age ; and the affidavit of any three or more of the signers  
 9 of said petition that they have examined said petition, and are acquainted with the

10 locality of said district, and that they believe the said petition is signed by a majority  
 11 of such owners, who are of lawful age,

12 to be so affected, may be taken by the court as *prima facie* evidence of  
 13 the facts therein stated or the oath or affirmation before said court or the affidavit of  
 14 any person, properly taken and certified by any person or court authorized to take  
 15 acknowledgments of deeds to real estate in this State, giving the age of such party  
 16 and his or her ownership of lands to be named in such oath, affirmation or affidavit,  
 17 by proper description, shall be sufficient evidence to the court of such facts: *Provided*,  
 18 that all deeds made for the purpose of establishing or defeating the prayer of said peti-  
 19 tion, not made in good faith, and for a valuable consideration, shall be taken and held  
 20 to be in fraud of the provisions of this act, and the holders thereof shall not be con-  
 21 sidered as owners thereof. If the court, after hearing any and all competent evidence  
 22 that may be offered before it for and against the said petition, shall find that the same  
 23 has not been signed by a majority of the land owners as hereinbefore required, the said  
 24 petition shall be dismissed at the cost of the petitioners; but if the court shall find that  
 25 the petition has been signed by land owners constituting such majorities, the court  
 26 shall so find, and such finding shall be conclusive upon the land owners of such dis-  
 27 trict that they have assented to and accepted the provisions of this act and to the as-  
 28 sessments of benefits and damages that may be made thereunder for the purpose afore-  
 29 said, and if it shall further appear to the court that the proposed drain or drains, ditch  
 30 or ditches, levee or other work is, or are necessary or will be useful for the drainage  
 31 of the lands proposed to be drained thereby for agricultural, sanitary or mining pur-  
 32 poses, the court shall so find, and appoint three competent persons as commissioners to  
 33 lay out and construct such proposed work. In case the lands to be drained or leveed  
 34 shall be situated in different counties, not more than two of the commissioners shall be  
 35 chosen from any one of such counties. If the court shall find against the petitioners,  
 36 the petition shall be dismissed at the cost of the petitioners.

§ 6. Before entering upon the duties of their office, such commissioners shall take

2 and subscribe an oath faithfully to discharge the duties of their office, without favor or  
 3 partiality, and to render a true account of their doings to the court, by which they are  
 4 appointed, whenever required by law or by the order of the court.

§ 7. They shall elect one of their number chairman, and may elect one of their number, or some other person, as secretary.

§ 8. A majority of the commissioners shall constitute a quorum, and a concurrence of a majority or their number in any matter within their duties, shall be sufficient.

§ 9. As soon as may be after their appointment, or within such time as the court may direct, the commissioners shall examine the land of the petitioners proposed to be drained and protected, and the lands over or upon which the work is proposed to be constructed, and determine :

First.—Whether the starting point, route and terminus of the proposed work and the proposed location thereof, is or are in all respects proper and feasible, and if not, what is or are so.

Second.—The probable cost of the proposed work, including all incidental expenses, and the cost of the proceeding therefor.

Third.—The probable annual costs of keeping the same in repair after the work is completed.

Fourth.—What lands will be injured thereby, and the probable aggregate amount of all damages such lands will sustain by reason of the laying out and construction of said work.

Fifth.—What lands will be benefitted by the construction of the proposed work, and whether the aggregate amount of benefits will equal or exceed the cost of constructing such work, including all incidental expenses, costs of proceeding and damages.

Sixth.—Whether the proposed district as set out in the petition filed, will embrace all the lands that may be damaged or benefitted by the proposed work, and if not, to report what additional lands will be so effected.

Seventh.—In case the prayer of the petition is for the purpose of repairing and maintaining a levee or levees, ditch or ditches heretofore constructed under any law of this State, it shall be the duty of the commissioners to examine the said levee or levees, ditch or ditches, and the lands intended to be reclaimed thereby, and to report to the Court :

First.—Whether, in their opinion, said levee or levees, ditch or ditches can, with proper repairs, be made sufficient to protect permanently said lands from overflow from high water, or to drain the same.

29 Second.—The probable annual expense of keeping the same in such repair.

30 Third.—What lands will be benefitted thereby, and the probable aggregate amount  
31 of such benefits.

32 Fourth.—Whether the aggregate annual amount of benefits will equal or exceed the  
33 annual costs of such repairs, including all incidental expenses and costs of the proceed-  
34 ing; and,

35 Fifth.—Whether the proposed district will embrace all the lands that may be bene-  
36 fitted by the maintenance of such levee, or ditch, and if not, to report what additional  
37 lands will be so affected, which report shall be filed with the clerk of said court.

§ 10. If the commissioners shall find that such costs, expenses and damages are  
2 more than equal to the benefits there will be bestowed upon the land to be benefitted,  
3 they shall so report, and the proceedings shall be dismissed at the cost of the peti-  
4 tioners.

§ 11. If the commissioners shall find that the proposed work, or such portion of  
2 the same as will be satisfactory to the petitioners, can be done at a cost and expense not  
3 exceeding such benefits, they shall proceed to have the proper surveys, profiles, plans and  
4 specifications thereof made, and shall report their conclusions, and a copy of such sur-  
5 veys, profiles plans and specifications, to the court which appointed them.

§ 12. The commissioners shall not be confined to the point of commencement, route,  
2 or terminus of the drains or ditches, or to the number, extent or size of the same, or  
3 the location, plan or extent of any levee, ditch or other work to that proposed by the  
4 petitioners, but shall locate, design, lay out and plan the same in such manner as they  
5 shall think will drain or protect the petitioners' land with the least damage, and great-  
6 est benefit to all lands to be affected thereby; and any plans proposed by such commis-  
7 sioners may, on the application of any person interested, or of the commissioners, be  
8 altered upon the order of the court, in such manner as shall appear to the court to  
9 be just.

§ 13. Upon the report of the commissioners being filed with the clerk of the court  
2 appointing such commissioners, he shall cause notice to be given in the same manner  
3 as is provided in section three of this chapter, which notice shall state the time of filing  
4 such report, and upon what day application will be made for the confirmation of such  
5 report, at which time all persons interested, may appear and contest the confirmation

7 thereof, or show that the same ought to be modified in any particular, and may offer  
8 any competent evidence in support thereof.

§ 14. It upon the hearing, the court shall be of opinion that the objections are not  
2 well taken, or if no objection shall be made, it shall order the confirmation thereof. If  
3 it shall appear that the same ought to be modified, and the court shall be sufficiently  
4 informed in the premises, it shall modify the same to conform to the equities in the  
5 premises; or if not sufficiently informed, it shall order the commissioners to review  
6 and correct their report, and may make specific directions in what respect they shall  
7 reform their report; and the court may make all necessary orders in the premises,  
8 either for the continuance of the hearing or other lawful purpose.

§ 15. If the report is referred back to the commissioners for amendment, the court  
2 may fix a day when the commissioners shall again present their report, in which case  
3 the hearing shall stand adjourned to that day, and no further notice shall be required  
4 thereof. If no day shall be fixed for such report, the cause shall be continued to the  
5 next term of court, when it shall stand for hearing.

§ 16. If, after hearing all objections, if any, to the report of the commissioners, the  
2 court shall be satisfied that the said report should be approved, the court shall cause  
3 an order of confirmation of the same to be entered, which order may be as follows:

4 "County Court of \_\_\_\_\_ County, \_\_\_\_\_ Term A. D. 18

5 In the matter of the petitions of \_\_\_\_\_ and others.

6 This day the report of \_\_\_\_\_ commissioners heretofore appointed by this  
7 court to examine the lands of the petitioners for the purposes specified in the petition  
8 filed in this cause, having been filed, and it appearing to the court that due notice has  
9 been given to all persons interested, for the length of time, and in the manner required  
10 by law, of the application to this court for the confirmation of said report, and the  
11 court having duly examined said report and considered all objections to the same—it is  
12 ordered by the court that the report of said commissioners (or if said report has been  
13 modified by the court) say "as modified by the court," be and the same is hereby con-  
14 firmed; and the court further finds that the work proposed in said petition to be done,  
15 will be useful for agricultural, sanitary or mining purposes to the owners of lands with-  
16 in said proposed district, and the court also finds that the persons who have signed said  
17 petition are of lawful age, and are a majority of the land owners within the district to be

18 affected by such proposed work. And the court further finds that such drainage dis-  
 19 trict is duly established as provided by law.

20

County Judge.

21 And upon entering such order of record, said district is hereby declared by law to be  
 22 organized as a drainage district by the name mentioned in said petition, and with the  
 23 boundaries fixed by the order confirming the report of the said commissioners. And  
 24 said district is hereby declared to be a body politic, and corporate by the name men-  
 25 tioned in said petition as aforesaid, with the right to sue and to be sued, to adopt and  
 26 use a corporate seal, and to have perpetual succession; and the commissioners appointed  
 27 as aforesaid and their successors in office shall, from the entry of such order of con-  
 28 firmation, constitute the corporate authorities of such drainage district, and shall exer-  
 29 cise the functions conferred upon them by law.

30 And thereupon the Court shall empanel a jury of twelve men, having the qualifica-  
 31 tions of jurors in Courts of Record, who shall be sworn to faithfully and impartially  
 32 perform the duties required of them to the best of their understanding and judgment,  
 33 and to make their assessments of damages and benefits according to law, or the Court  
 34 may direct that a jury be empaneled before a justice of the peace for the assessment  
 35 of damages and benefits, in which case the commissioners may apply to any justice of  
 36 the peace in the county, who shall immediately, without the formality of any written  
 37 application, proceed to summons and empanel a jury of twelve men, having the quali-  
 38 fications of jurors as aforesaid, who shall be sworn in the same manner as is above pro-  
 39 vided in case of a jury empaneled by the court in which the proceeding is pending,  
 40 and the justice shall enter upon his docket a minute of such proceeding before him, and  
 41 the names of the jurors.

§ 17. The jurors empaneled as aforesaid shall elect one of their number foreman  
 2 when the proceeding is for the construction of ditches, drains or levees, and shall pro-  
 3 ceed to examine the lands to be affected by the proposed work, and ascertain to the  
 4 best of their ability and judgment the damages and benefits which will be sustained by  
 5 or will accrue to the lands to be affected by said proposed work, and shall make out an  
 6 assessment roll in which shall be set down in proper columns the names of owners,  
 7 when known, a description of the premises affected, in words or figures, or both, as  
 8 shall be most convenient, the number of acres in each tract, and if damages are allowed,



9 the amount of the same ; and if benefits are assessed, the amount of the same ; and in  
 10 case damages are allowed to, and benefits assessed against the same tract of land the  
 11 balance, if any, shall be carried forward to a separate column for damages or benefits  
 12 as the case may be.

13 But the amount assessed for keeping said levee or ditch in repair, shall not, in the ag-  
 14 gregate, amount to a sum in any one year greater than would be produced by 80 cents  
 15 per acre on all the lands so assessed.

16 In case the petition shall set out that a levee or ditch has been made under any law  
 17 of this State, and prays for assessment to repair and keep in repair said levee or ditch  
 18 in the future, the jury shall assess the benefits which said lands will sustain by repair-  
 19 ing said levee or ditch and also the annual amount of benefits which said lands will  
 20 sustain by keeping said levee or ditch in repair thereafter. And in such case no other  
 21 or different assessments shall be made by the jury, but in all other respects the jury  
 22 shall comply with the provisions of this act, so far as the same may be applicable  
 23 thereto.

§ 18. In making such assessment, the jury shall award and assess the damages and  
 2 benefits in favor of and against each tract separately, in the proportion in which such  
 3 tract of land will be damaged or benefitted ; and in no case shall any tract of land be  
 4 assessed for benefits in a greater amount than its proportionate share of the estimated  
 5 cost of the work and expenses of the proceeding, nor in a greater amount than it will  
 6 be benefitted by the proposed work, according to the best judgment of the jury.

§ 19. When the jury shall have completed their assessment of damages and bene-  
 2 fits, they shall fix a time and place, when and where they will attend, in case the jury  
 3 was impaneled by the court in which the petition was filed, before the same court at  
 4 some regular term thereafter, or if the jury was impaneled by some justice of the  
 5 peace, then before the same justice, if still in office, and if not, before his successor or  
 6 any other justice they may select for the correction of their assessment, and the com-  
 7 missioners or the jury shall give at least ten days notice of such time and place, and  
 8 object of such meeting, by posting and publishing notices as required in section three  
 9 of this chapter, prior to the time so fixed. The affidavit of any creditable person or  
 10 persons, that he or they has or have posted such notices as herein required, and the cer-

11 tificate of the publishers of such newspaper, as to such publication shall be sufficient  
 12 evidence of such facts.

§ 20. The jury shall appear at the time and place appointed, and shall hear all ob-  
 2 jections that may be there and then made by the owners of any lands which may be  
 3 allowed damages or assessed for benefits, or by the commissioners, to the allowance of  
 4 damages to, or assessments of benefits against any tract of land, and shall make such  
 5 corrections as shall seem to them just, and shall adjust such assessment so as to  
 6 make the same just and equitable.

§ 21. At such hearing, if in the County Court, the court may compel the attend-  
 2 ance of witnesses, and in case any juror impanelled, shall fail to appear, may at-  
 3 tach him for contempt, or may impanel another in his stead, and may at any time  
 4 during the proceedings in considering or making their assessment, impanel one or  
 5 more jurors in the place of any juror who may fail from any cause, or refusal to  
 6 act, and administer to such jurors the oath required in section sixteen of this act. And  
 7 if such hearing shall be before the justice of the peace, he shall preside and enforce order  
 8 as in other cases before justices of the peace, and shall have like power as in this sec-  
 9 tion conferred upon the County Courts.

§ 22. If no objection shall be made to the assessment at the time and place appoint-  
 2 ed to hear objections, or] when found correct, or when corrected upon hearing, the  
 3 jury shall confirm such assessment, which shall be certified by the foreman of the jury  
 4 and delivered to the commissioners, who shall return the same to that court in which  
 5 the said petition has been filed, within ten days from such confirmation, and the same  
 6 shall stand for hearing at the next term thereafter, if the same has been filed ten days  
 7 before such term; or for good cause may be continued; but if not filed ten days before  
 8 such term, shall stand continued to the next term.

§ 23. The commissioners, or any person who shall have made objections to such as-  
 2 sessment may appeal from the finding of the jury, to the court in which the assessment  
 3 is returned within ten days after the same shall be filed in said court, by filing with the  
 4 clerk of said court his or their bond, payable to the opposite party, with such security,  
 5 and in such amount, as shall be approved by the clerk, conditioned to pay all costs that  
 6 may accrue by reason of such appeal, and if the appeal is by an owner of land assessed

7 for benefits, to pay such an amount as may be found against him on account of benefits  
8 to his land by reason of such work.

§ 24. The trial upon appeal may be in the same manner as other appeals from jus-  
2 tices of the peace, and in case the assessment of damages or benefits shall be changed  
3 from that returned to the court, the court shall cause the assessment roll to be amended  
4 to conform thereto.

§ 25. When the assessment roll shall have been corrected as aforesaid, or in case no  
2 correction shall be required to be made, the Court shall confirm the same and cause  
3 it to be spread upon the records, and appeals or writs of error shall be allowed there-  
4 from, as in cases of appeals from and writs of error to the County Courts in proceedings  
5 for the sale of lands for taxes or special assessments, and provided that the granting of  
6 an appeal in one or more cases or to one or more persons shall not operate to defer the  
7 confirmation of said report in other cases, but the Courts may proceed to confirm said  
8 reports as to all lands where no appeal is taken, and in all appeals taken from the con-  
9 firmation made by the County Court, if the judgment of the County Court shall be  
10 affirmed, or if upon such cause being remanded for a new trial the judgment of said  
11 Court shall be in favor of said Commissioners, the County Court shall order the judge-  
12 ment so rendered to be made a part of said confirmed report, and the assessments of  
13 benefits or damages so found shall be extended on said report, and the same shall be-  
14 come a part thereof.

§ 26. At the time of confirming such assessment, it shall be competent for the  
2 Court to order the assessment of benefits to be paid in installments of such amounts,  
3 and at such times as will be convenient for the accomplishment of the proposed work;  
4 otherwise the whole amount of such assessment shall be payable immediately upon  
5 such confirmation, and shall be a lien upon the lands assessed, until paid. But in cases  
6 where a levee or ditch has been heretofore built under any law of this State, or may  
7 be hereafter built under the provisions of this act, the annual assessments for keeping  
8 the same in repair, shall be due and payable on the first day of September, annually,  
9 and shall be a lien on the lands upon which said assessments are made, from and after  
10 the confirmation of the report. The court in which said proceedings are had shall  
11 require from said commissioners a report of the condition of the levee or ditch at its  
12 July term, of each year, together with their estimate of the amount necessary to keep

13 the levee or ditch in repair and pay all incidental and necessary expenses for the ensu-  
 14 ing year, and if the court shall find that a less amount will be required for such ensu-  
 15 ing year than the whole amount of the assessment for that year, then the court shall,  
 16 by an order, fix the amount to be paid for such year, and only that amount shall be  
 17 collected, and the excess of such assessment over and above the amount so fixed  
 18 by said order for said year, shall be remitted by law, and shall not thereafter be  
 19 collected: *Provided*, The amount to be collected under the the order of said court, shall  
 20 not, in the aggregate, amount in any one year to a sum greater than would be produced  
 21 by a levy of 30 cents per acre on all the lands within said district.

§ 27. Immediately after the entry of such confirmation by the court, the clerk  
 2 shall make out and certify to the commissioners a copy of such assessment roll, and  
 3 shall so make out and deliver to the commissioners separate copies of the same, per-  
 4 taining to the lands situated in the different counties, which shall be recorded in the re-  
 5 corder's office of the respective counties, in which the lands are situated, and shall be  
 6 notice of the lien thereof to all persons.

§ 28. Upon the organization of said drainage district the commissioners so appoint-  
 2 ed shall from thenceforth have power to contract and be contracted with, sue and be  
 3 sued, plead and be impleaded and to do and perform, in the incorporate name of said  
 4 district, all such acts and things as may be necessary for the accomplishment of the pur-  
 5 poses of this act.

§ 29. The commissioners shall after the confirmation of said assessment roll and be-  
 2 fore any collections shall have been made by them, appoint a treasurer, who shall not  
 3 be one of their number, who shall execute a bond to the people of the State of Illinois,  
 4 for the use of all persons interested, in a sum of not less than twice the amount of  
 5 assessments that may be levied for one year, with such sureties as may be approved of  
 6 by the judge of said court, conditioned for the faithful performance of his duties as  
 7 treasurer of said drainage district, and that he will safely and faithfully account for  
 8 all money that by virtue of his said office shall come to his hands; which said bond,  
 9 when approved by the court, shall be kept and preserved by said commissioners, and  
 10 suits may be maintained upon the same by them upon any breach of its conditions.

§ 30. It shall be the duty of said treasurer to keep proper books, to be furnished  
 2 him by the commissioners, in which he shall keep an accurate account of all moneys

received by him, and of all disbursements of the same. He shall pay out no money except upon the order of a majority of the commissioners, and shall carefully preserve on file all orders for the payment of money, given him by the commissioners, and shall turn over all books, papers, vouchers, moneys and other property belonging to and in his hands as such treasurer, to his successor in office. His term of office shall be two years, but he may be at any time removed by the court upon petition of a majority of the commissioners, or for good cause shown.

§ 31. In case the assessments for benefits shall be payable in installments, such installments shall draw interest at the rate of eight per cent. per annum from the time they shall become payable till they are paid, and such interest may be collected and enforced as part of the assessment.

§ 32. The commissioners appointed by virtue of this chapter shall not collect or receive any money for the purposes therein specified until they shall have given bond payable to the people of the State of Illinois, for the use of all persons interested, in a sum not less than twice the amount of the assessments for benefits, payable in any one year, with such security as shall be approved by the judge of the court, conditioned for the faithful application of all moneys that may be received by them as such commissioners, and to make due account thereof to the court whenever required, which bond shall be filed in the court in which the proceedings are had. The court may require additional bond, from time to time, or the commissioners may, if they choose, appoint one of their number collector of assessments, who, before entering upon the collection of such assessments, shall give bond as in this section mentioned, and who, after giving such bond, may make such collections, and give receipts for the same.

§ 33. The commissioners, upon receiving such certified copy of such assessment roll, shall immediately cause a notice to be published for three weeks, in the manner required in section 3 of this act, in substance as follows:

Notice of Drainage Assessment.—Notice is hereby given to all persons interested that an assessment is now due for drainage purposes, for the year A. D. 18 , upon lands lying within the drainage district, in the county of , and State of Illinois, and that the same must be paid to the undersigned commissioners of said drainage district, on or before the day of , A. D. 18 , and that, in default of such payment, the several tracts of lands upon which

10 such assessments remain unpaid will be sold, according to law, to pay the amount of  
 11 such assessments and costs.

12

Commissioners of Drainage District.

§ 34. If the assessment due upon said lands shall not be paid on or before the day  
 2 named in the notice given in section 33 of this act, it shall be the duty of said com-  
 3 missioners, if they have not appointed a collector as aforesaid, and if so, then of said  
 4 collector to make out a certified list of such delinquent lands upon which the assess-  
 5 ments remain unpaid, and the same shall be by him or them on or before the 10th day  
 6 of March next after the same have become payable, returned to the county collector of  
 7 the county or counties in which such lands shall lie, and when the same shall lie in dif-  
 8 ferent counties, a separate return shall be made for each county of the delinquent lands  
 9 therein, and it shall be the duty of the collector to whom any such return has been  
 10 made to transfer the amounts thereof from such returns to the tax books in his hands,  
 11 setting down therein opposite the respective tracts or lots, in proper columns prepared  
 12 for that purpose, the amount assessed against each lot, and the like proceeding shall be  
 13 had and with the like force and effect in the collection of such delinquent assessments  
 14 and the sale of said lands for non-payment thereof as in ordinary collections of State  
 15 and county taxes by county collectors, and of sales of real estate by them for such non-  
 16 payment and of redemption from such sales.

§ 35. Notwithstanding the returns of such delinquent lists the said commissioners  
 2 or their collector shall be authorized to receive payment of any such delinquent assess-  
 3 ments and costs, and may give receipts for the same, but shall keep a memorandum of  
 4 the same, and on or before the day of sales fixed by said county collector for the sale of  
 5 such lands, shall present said memorandum or list to said county collector or collectors  
 6 for the purpose of having the same checked or marked paid on the delinquent list in  
 7 his hands, and all amounts collected by the said county collector by sales or otherwise,  
 8 after the deduction of his fees, shall be paid to the commissioners on demand.

§ 36. The commissioners when qualified, in pursuance of this act, may do any and all  
 2 acts that may be necessary in and about the surveying, laying out, constructing, re-  
 3 pairing, altering, enlarging, cleaning, protecting and maintaining any drain, ditch,  
 4 levee, or other work for which they shall have been appointed, including all necessary

5 bridges, crossings, embankments, protections, dams and side drains, clearing out and  
 6 removing of obstructions from natural or artificial channels or streams, procuring or  
 7 purchasing riparian rights and water powers, by agreement with the owners thereof,  
 8 and may use any money in their hands arising from assessments for that purpose:  
 9 *Provided*, that in all cases where the work to be done is the construction of the prin-  
 10 cipal work, the cost of which will exceed five hundred dollars, the same shall be let to  
 11 the lowest responsible bidder, and the said commissioners shall advertise for sealed bids  
 12 by notice published in some newspaper issued in the county in which the petition is  
 13 filed, and if there be no newspaper issued or published in said county, then in the next  
 14 nearest newspaper; which said notice shall particularly set out the time and place,  
 15 when and where the said sealed bids will be opened; the kind of work to be let; and the  
 16 terms of payment. Said commissioners may continue the letting from time to time, if  
 17 in their judgment the same shall be necessary, and may reserve the right to reject any  
 18 and all bids. *Provided, further*, That no levee, drain, ditch, or other work, authorized  
 19 to be constructed or made, under this act, shall be constructed or made in such a man-  
 20 ner, as to destroy or prevent the public use, of any navigable stream, or public harbor  
 21 or body of water connected with any navigable stream, used as a public harbor.

§ 37. Said commissioners may use money arising from the collection of assessments  
 2 for the purpose of compromising suits and controversies arising under this act, and in  
 3 the employment of all necessary agents and attorneys in the prosecutions or defense of  
 4 said operations.

§ 38. The commissioners may borrow money not exceeding in amount the amount  
 2 of assessments unpaid at the time of borrowing, for the construction of any work which  
 3 they shall be authorized to construct, and may secure the same by notes or bonds bear-  
 4 ing interest at the rate not exceeding eight per cent. per annum, and not running be-  
 5 yond one year after the last assessment on account of which the money is borrowed, shall  
 6 fall due, which notes or bonds shall not be held to make the commissioners personally  
 7 liable for the money borrowed, but shall constitute a lien upon the assessment for the  
 8 re-payment of the principal and interest thereof.

§ 39. All damages over and above the benefits to any tract of land, shall be payable  
 2 out of the amounts assessed against other lands for benefits, and shall be paid or ten-  
 3 dered to the owners thereof, before the commissioners shall be authorized to enter upon

his land for the construction of any work thereon. In case the owner is unknown, or there shall be a contest in regard to the ownership of the land, or the commissioners can not, for any reason, safely pay the same to the owner, they may deposit the same with the clerk of the court, and the court may order the payment thereof to such party as shall appear to be entitled to the same.

§ 40. The court may, at any time, remove any commissioner appointed by it, and appoint another in his place, and may fill all vacancies caused by death, resignation, removal or otherwise, and may appoint a new commission, or authorize the Commissioners appointed to repair or cleanse any work, ditch or drain, that shall have been constructed.

§ 41. The Commissioners shall, as often as once in each year after their appointment, and as much oftener as the Court shall require, make a report to the Court by which they were appointed, showing the amount of money by them collected, and the manner in which the same is being done.

§ 42. The Commissioners shall receive for their services the sum of two dollars per day for each day they shall be actually engaged in the business of their appointments, such amount to be audited at least once a year by said County Court, and certified to by said Court to their Treasurer to be paid by him. They shall fix the compensation of said Treasurer, and of all other servants and agents; and the Clerk of the County Court shall receive for his services hereunder, such fees as are by law allowed for similar services in that Court.

§ 43. Whenever a petition shall be presented to said court by the owners of any tract of land within said district, setting forth that the same, or any part thereof, has been erroneously assessed for benefits, for the reason that the same is not subject to overflow, or has never been overflowed by the highest waters known, and praying that the said lands, in whole or in part, may be released from the assessments made, or to be made in future, the court may, after ten days' notice of the filing of such petition being given to the commissioners, at any term of said court, proceed to hear said application, granting such continuances as may be right and proper; and if the court shall find, upon issue joined, that any part of the land named in said petition has never been overflowed by the highest water known from the stream against which the levee in question has been constructed, may, by order to be entered of record, amend the assessment roll



12 returned by the jury in conformity to the facts found, and such part shall thereafter be  
 13 discharged from all other assessments, and the clerk shall immediately cause a copy of  
 14 such order to be delivered to the commissioners, that the copy of the assessment roll  
 15 in their hands may be made to conform to such order.

§ 44. The commissioners, from the time of their appointment, may go upon the lands  
 2 lying within said districts, for the purpose of examining the same and making plans,  
 3 plats and surveys, and after the organization of said district, and payment or tender of  
 4 compensation allowed, may go upon said lands, with their servants, teams, tools, in-  
 5 struments or other equipments for the purpose of constructing such proposed work,  
 6 and may forever thereafter enter upon said lands as aforesaid for the purpose of main-  
 7 taining or repairing such proposed work, doing no more damage than the necessity of  
 8 the occasion may require; and the like license and authority is hereby given to the  
 9 commissioners of highways in all cases where they may be authorized to perform simi-  
 10 lar duties under this act.

§ 45. When an assessment has been made as provided in the preceding section,  
 2 and annually thereafter, it shall be the duty of the commissioners to provide suitable  
 3 books, with proper headings and columns, in which shall be inserted, according to town-  
 4 ships and range, the several tracts of lands against which assessments are to be carried  
 5 out, the names of owners, if known, the number of acres to be assessed, the total  
 6 amounts of assessments, and for what year, and a column for payments, and if any as-  
 7 sessments shall remain due and unpaid after the time mentioned in the notices to be  
 8 given as provided in section 33 of this act, it shall be the duty of said commissioners,  
 9 or of the person appointed by them collector as aforesaid, to make a list of the lands  
 10 upon which such assessment has not been paid, and deliver such list or lists to the  
 11 county collector of each county in which such lands may, respectively, lie, to be by him  
 12 collected as heretofore provided.

§ 46. When the cost of any proposed drain, ditch, levee or other work authorized  
 2 by this chapter to be done, will not exceed the sum of five thousand dollars, and will  
 3 not extend through or into more than three congressional townships, the petition may,  
 4 if the petitioners shall so elect, be filed with a justice of the peace in the county where  
 5 the land to be affected, or the major part thereof, is situated; and all the proceedings  
 6 authorized by this chapter to be had in the county court, in cases where the petition

7 is filed in such court, may be had before such justice of the peace, and the assessment  
 8 of damages and benefits shall be conducted before such justice in the same manner, as  
 9 near as may be, as in cases commenced by petition before such county court; and  
 10 appeals may be taken from the final judgment of the justice of the peace to the  
 11 county court within the same time and in the same manner as appeals may be taken  
 12 from the findings of the jury in cases commenced in the county court; and the assess-  
 13 ment of benefits may be collected and enforced as in such cases before the county court.

§ 47. When the proceedings shall be had before a justice of the peace, the justice  
 2 shall direct the Commissioners of Highways of the town or township, or in case the  
 3 drain, ditch or other work shall be located in several towns or townships, the Commis-  
 4 sioners of the several townships, as a joint board, or at the election of the petitioners,  
 5 the justice of the peace may appoint one or more commissioners, not exceeding three,  
 6 to lay out and construct such work, and perform the duties required of Commissioners  
 7 appointed under this chapter; and such Commissioners of Highways, or Commissioner,  
 8 or Commissioners so appointed as aforesaid, shall have all the power and authority,  
 9 and may perform all acts, and shall discharge all the duties imposed upon or required  
 10 of Commissioners so appointed by the County Court; and the said Commissioner or Com-  
 11 missioners, so appointed by the justice of the peace as aforesaid, shall receive for their  
 12 services, the same compensation as is herein provided to be paid to Commissioners ap-  
 13 pointed by the County Court.

§ 48. If any commissioner of highways shall refuse or neglect to discharge any of  
 2 the duties imposed upon him by virtue of this act, he shall, for every such refusal or  
 3 neglect, be liable to any party aggrieved, for all damages sustained by him, and upon  
 4 conviction, may be fined in any sum not exceeding one hundred dollars, and be re-  
 5 moved from his office.

§ 49. When a ditch or drain has been located under the provisions of this act, of suf-  
 2 ficient capacity to carry off the water that flows to it, and also to properly drain the land  
 3 taxed for the construction of the same, such lands shall not be again taxed or assessed  
 4 for the benefit of improving any lands lying above the lands taxed for the construction  
 5 thereof; and in all cases where any such ditch empties into any lower ditch above de-  
 6 scribed, for the benefit of lands lying above the lower ditch, the commissioners under

7 the direction of the court, shall levy a sufficient tax on such land benefited by the new  
 8 ditch, to enlarge such lower ditch so as to confine the water to the same level that it  
 9 originally had before an additional amount of water emptied into such lower ditch, for  
 10 the benefit of lands lying above the lower ditch.

§ 50. The commissioners of highways shall have power to locate and establish  
 2 drains to be constructed and maintained at the cost of parties petitioning therefor, as  
 3 hereinafter provided, and for the purpose aforesaid, said Commissioners shall be ex-  
 4 officio drainage Commissioners within their respective districts, but in all their pro-  
 5 ceedings hereunder, they may act by their official title "Commissioners of Highways."

§ 51. Whenever the owner or owners of any lands or lots at his or their own cost,  
 2 shall desire to locate and construct a drain leading from lands or lots owned by them,  
 3 severally and jointly, or shall desire permanently to establish any drain which may  
 4 have been heretofore located and constructed, which may hereafter be located and  
 5 constructed, and which said drain or drains, so desired to be located or established,  
 6 shall lead across or upon the land of another person or persons, and such owner or  
 7 owners so desiring to construct or establish such drain, cannot obtain the consent of  
 8 the owner or owners of said land, across or upon which said drain is sought to be lo-  
 9 cated or, if already constructed, sought to be established as a permanent drain, to the  
 10 location and construction, or establishment of such drain, such owner or owners may  
 11 petition the commissioners of highways of the town, in writing, which said petition  
 12 shall set forth a description of the premises, or land or lands, across or upon which said  
 13 drain is proposed to be located or established, the names of the owners, if known, of  
 14 the lands, and if not known, it shall be so stated, across or upon which said drain is to  
 15 pass, or does pass, the points at or near which it is to commence or enter upon said  
 16 lands, or does so enter or commence, its general course or distance, and the place at or  
 17 near which it is to terminate on, or pass from said lands, or does so terminate or pass  
 18 from said lands. Said petition shall also set forth whether said drain is to be construct-  
 19 ed or established as an open ditch or a covered boxed or tile drain. If an open ditch,  
 20 the width shall be specified.

§ 52. Said petitioners shall cause a copy of said petition to be posted in three of the  
 2 most public places in the vicinity of said proposed drain, so sought to be located or es-  
 3 tablished at least ten days before any action shall be had in reference to said petition.

4 The posting of any notice required by this act may be proved by the affidavit of the  
5 person posting the same or by other legal evidence.

§ 53. Whenever the commissioner of highways shall receive any such petition with  
2 the proof of the posting of copies as in the next preceding section set forth, they shall  
3 fix upon a time when and where they will meet to examine the location and route of  
4 such drain, and to hear reasons for or against the location, construction or establish-  
5 ment of the same, which meeting shall be within ten days after the expiration of the ten  
6 days required for the posting of the copies of the petition, in the next preceding section  
7 referred to, and they shall give at least five days notice of the time and place of such  
8 meeting, by posting up notices thereof in three of the most public places in the vicinity  
9 of said drain so proposed to be located or established. If there shall be an occupant  
10 residing upon the land, such occupant shall have notice thereof, by leaving a copy of  
11 such notice at his place of residence, with such occupant or any member of his family,  
12 at least three days before the time of said meeting.

§ 54. The commissioners, or any of them who may meet, may, by public an-  
2 nouncement, and by the posting of a notice at the time and place named for the first  
3 meeting, adjourn the meeting from time to time, but not for a longer period than ten  
4 days in all; and shall, at such first or such adjourned meeting within ten days, the  
5 notices, herein required, having been given, and all reasons for and against the said  
6 drain having been heard and considered, decide and publicly announce whether they  
7 will grant or refuse the prayer of the petitioner, and shall indorse upon or annex to the  
8 petition a brief memorandum of such decision, to be signed by the commissioners; and  
9 they shall file the said petition, with their determination thereon in the office of the  
10 Town Clerk within five days thereafter.

§ 55. The Commissioners, in considering their action under said petition, shall con-  
2 sider whether any change of the beginning point, route, or terminus of said drain, across  
3 or upon the lands aforesaid, and viewed by them, or change of the construction thereof,  
4 from an open to a covered drain, or the reverse would be preferable to that prayed  
5 for in the petition, and if they decide that such change would be preferable, and would  
6 be for the advantage of the parties interested, they shall have power to make such al-  
7 terations, either in the location, route, or terminus of said drain, or of the mode of its  
8 construction, or width thereof, and if they decide to grant the prayer of the petition-

ers for the drain, as they may so alter or change the same, they shall specify either on the back of said petition or some paper to be annexed thereto, and signed by them, what alterations or changes they have made in the location, route, width or mode of constructing said drain, and that as altered and changed by them, they have located or established, as the case may be, the said drain, and return their determination and decision as provided in the preceding section. Whether said drain be approved as prayed, or be approved as changed by the commissioners, they shall accompany their report and order touching the same, with a survey and plat thereof as approved and located. The return so made shall be held to be an order locating or establishing the said drain, and, with the petitions thereon, shall be recorded by the town clerk, and the record so made shall be evidence thereafter that all preliminary requirements thereto were duly performed.

§ 56. If the petitioner or petitioners shall desire to construct or establish the drain as finally approved of and decided by the said highway commissioners, and shall be unable to obtain the consent of the owner or owners of the land across or upon which said drain may have been located, as established as aforesaid, to the location and establishment thereof, as approved by said commissioners of highways, and shall be unable to obtain a release of damages by reason of the location and construction thereof, or to agree with said owner in respect of the damages, such petitioner or petitioners may, at any time within twelve months from the time of filing the determination of the highway commissioners in the town clerk's office, file with any justice of the peace of the township in which such lands are situated, a copy of the record from the town clerk's office, containing the petition for such drain and the decision of the Highway Commissioners thereon, and shall also file an affidavit setting forth the name or names of the owner or owners of the lands, if known, and if unknown, stating the fact, across or upon which said drain is to be located or established, and stating whether said owner or owners, or any of them, and which of them are residents of the county, if known to be such residents.

§ 57. Upon the filing of such affidavit and copy of record as aforesaid, it shall be the duty of said justice to issue a summons for a jury, to any Constable of said county directing him to summons twelve men, having the qualifications of jurors, to appear before him at such time and place as may be designated, to assess the damages, if any,

5 which the owner or owners of the land will sustain, describing the land upon or across  
 6 which said drain is located, by reason of the location and construction, or the establish-  
 7 ment of a drain thereon, as determined by the Highway Commissioners of said town,  
 8 and said summons shall also contain a clause directing the Constable to summon such  
 9 person or persons as are named in said affidavit as resident owners in the county, to  
 10 appear at the time and place aforesaid. Such summons shall be served by the con-  
 11 stable, upon the person or persons named as owners in said affidavit, at least three days  
 12 before the time of trial fixed therein. If it shall appear that any of said owners are  
 13 unknown, or non-resident, said justice of the peace shall, at the same time, make out a  
 14 general notice, in writing, addressed to all persons interested, which shall set forth that  
 15 the commissioners of highways of said town have located, or established, as the case  
 16 may be, a drain upon the lands, describing the lands, and that the damages, if any,  
 17 occasioned thereby to the owner or owners of said lands, will be assessed by a jury,  
 18 before said justice of the peace, at the time and place fixed by said justice in the sum-  
 19 mons, naming the time and place, when and where any owner of said land, or person  
 20 interested therein, can attend and make defense therein. Three copies of the notice  
 21 aforesaid shall be delivered by the justice to the constable to whom the summons  
 22 aforesaid shall have been delivered, and the copies aforesaid shall be posted by the  
 23 constable in three of the most public places in the neighborhood of said drain.

§ 58. The said constable, at the time he makes return of the summons so delivered  
 2 to him, shall also return the original of the notice delivered to him by the justice, of  
 3 which, copies were to be posted as directed; and shall make a return thereon, certify-  
 4 ing when and where said notices were posted by him; and unless it shall appear there-  
 5 from that said notices were posted for at least five days before the time fixed for said  
 6 trial, said justice shall continue the trial until five days shall have elapsed from the  
 7 posting of said notices; and the justice shall make an order continuing the case. If it  
 8 shall appear by the return of the constable, on the day of trial, that all resident owners  
 9 have been served as required, and there shall appear to be no unknown or non-resident  
 10 owners, or if there be unknown or non-resident owners, and it shall, by the return of the  
 11 constable, appear that they have been notified as required by the posting of notices as  
 12 required, then the justice shall impanel a jury, who shall proceed to assess the dama-  
 13 ges, if any, to the owners, occasioned by such drain. But unless such summons shall

14 have been served as required, or said notice shall have been posted as required, in case  
 15 there be non-resident or unknown owners, then said justice shall continue the case to  
 16 a future day fixed, of which the owners respectively, so required to be notified, shall  
 17 have notice in the manner before required, and said justice, for any good reason, may  
 18 continue said cause, from time to time, until there shall have been a final trial and ver-  
 19 dict in the cause.

§ 59. At the time fixed by the justice for the trial of said cause, either originally or  
 2 at any adjournment of said trial, if it shall appear that the owners have been notified  
 3 or summoned as required herein, the justice shall empanel a jury, who shall be sworn,  
 4 or affirmed, by such justice, faithfully and impartially to assess the damage occasioned  
 5 the owner or owners of said land or lands, by reason of the drain aforesaid, over and  
 6 above benefits to the owner or owners thereof, according to their best judgment and  
 7 understanding. The jury, in considering of the damages, shall also take into considera-  
 8 tion any benefits directly resulting to such owners, whose damages are to be assessed,  
 9 from the construction or establishment of such drain. If they find such benefits equal  
 10 to or exceeding the damages, they shall return their verdict accordingly. If they find  
 11 the damages exceeding the benefits, they shall return as their verdict of damages the  
 12 amount of such excess, only, as damages.

§ 60. All parties in interest may appear before such justice and jury, and have pro-  
 2 cess of subpoena to summon witnesses, and said jury shall have such lawful evidence  
 3 touching the question of said damages as may be presented to them, and at the request  
 4 of the owner or owners of the land, or of the petitioner or petitioners for said drain,  
 5 may visit and examine the proposed drain, and the lands affected thereby; and they  
 6 shall make a written verdict specifying what damages, if any, the owner, or each  
 7 owner as the case may be, shall recover, and return the same to the justice, to be by  
 8 him entered on his docket, in the nature of a judgment, to be paid by such petitioner or  
 9 petitioners, together with all costs of suit before said petitioners shall enter upon the  
 10 construction of said drain, or, in the case of an existing drain, before any right in said  
 11 drain shall be considered as established. The costs of said proceeding shall be paid by  
 12 the petitioners and an execution may issue therefor; but the justice shall not tax as  
 13 costs against the petitioners, the costs of witnesses, or the costs of their service by the  
 14 officer, when he shall deem their testimony to have been unnecessary; the party mak-

15 ing such unnecessary costs shall pay the same; and a fee bill may be issued by such  
16 justice to collect the same.

§ 61. Either party to said proceedings may appeal from the verdict and judgment  
2 so rendered, to the county court within twenty days thereafter, upon giving bond and  
3 security to the opposite party, to be approved by the justice, in a penalty sufficient to  
4 cover all costs, and which shall be conditioned to pay all costs of said appeal in the  
5 County Court, in case of the affirmance of said verdict and judgment in said court, or  
6 the dismissal of said appeal. The practice in regard to such appeals, shall be the same  
7 as in ordinary cases of appeal from justices to the Circuit or County Court. The  
8 judgment of the Court on the trial or dismissal of said appeal shall be final, except  
9 upon questions of law arising, as to which, the practice shall be as in other cases.

§ 62. If said appeal shall be dismissed, or if upon the trial thereof, the verdict and  
2 judgment before the justice shall be affirmed, the party appealing shall pay all costs of  
3 said appeal, but if upon the trial of said appeal the verdict and judgment before the  
4 justice should not be sustained, the party appealing shall recover the costs of said  
5 appeal: *Provided, however*, that in case of the partial reversal only of the verdict and  
6 judgment below, the Court shall have power to apportion the costs of the appeal, be-  
7 tween the parties, and to direct how the said costs shall be taxed.

§ 63. The petitioner or petitioners upon payment of the damages, as finally assessed,  
2 and of such costs, as he or they may be required to pay, or if no damage shall be  
3 assessed, then upon payment of such costs only as he or they may be required to pay,  
4 shall have the right to construct and maintain, or maintain, as the case may be, the  
5 drain as located by the highway commissioners, upon or across the lands specified, and  
6 shall have right of entry upon said lands for the purpose aforesaid, and the right in  
7 perpetuity thereafter, to enter upon said lands at all proper times and seasons, for the  
8 purpose of repairing, cleansing, reconstructing, opening or deepening the said drain,  
9 doing as little damage to the owner or owners as practicable, and the rights aforesaid,  
10 and to the maintenance of the easement of said drain, shall pass to the heirs and as-  
11 signs of such petitioner or petitioners, who may successively become the owner or own-  
12 ers of the land or lands, for the benefit or drainage of which said drain may have been  
13 constructed or established, as the case may be.



## IN COUNTIES NOT UNDER TOWNSHIP ORGANIZATION.

§ 64. In counties not under township organization, the county courts shall have jurisdiction and power to locate and establish drains, which are to be constructed at the cost of the parties petitioning for the same.

§ 65. The proceedings on the part of owners of lands or lots desiring to locate and construct, or to establish any drain already constructed upon or across the lands of others, with respect to the petitioning and giving notice, shall be the same as in counties under township organization, except that the petition shall be addressed to the county judge.

§ 66. When the petition shall be presented to the county judge, with proof of notice having been given, or served, as required in cases arising under township organization, if the county judge, after hearing objections to such petition, if any, shall think objections to said petition untenable, he shall appoint three disinterested freeholders to view the ground, location and route of said proposed or existing drain, and if said viewers, or a majority of them, shall be of opinion that the prayer of said petitioner or petitioners should be granted, they shall cause a plat and survey thereof to be made by a competent surveyor, who shall report such survey and plat, giving courses and distances, and specifying the land across or upon which said drain is located or established. The viewers so appointed shall have the same right to change, alter the beginning point, route, terminus, or mode of construction of said drain, as is provided in the case of Highway Commissioners, when acting on similar petitions, and they shall cause the plat and survey thereof, in case of change, to be made as so altered. The report of the viewers, as finally approved by them, shall be filed in the office of the county clerk, and upon the filing of the same the court shall make an order of record, fixing a day, not less than five, nor more than ten days from the filing of such report, when it will hear all objections to said report. On the day fixed for hearing objections, if any objections are made, the court shall hear the same, and shall hear all admissible testimony in regard thereto. The court may, for any good reason, continue or adjourn the said cause to a future day to be fixed by its order, and if upon the final hearing, said court shall be of opinion that said drain is beneficial to the party or parties petitioning for the same, and can be constructed or established without greatly damaging the owner or owners of land across or upon which the same is located, it shall make an

24 order establishing the same: *Provided*, that if any owner or owners of land across or  
 25 upon which said drain is located or established, shall not release the damages arising  
 26 from the construction or establishment of such drain, the same shall not be construed  
 27 or held as established until the damages as to such owner shall have been ascertained  
 28 by a jury, as provided in proceedings to ascertain damages in similar cases in counties  
 29 under township organization, by this act, except that the jury in such cases shall be  
 30 impaneled in the county court, and no appeal shall be allowed from the final deter-  
 31 mination of said case in the county court. When such damages are paid, or are  
 32 released by the owner or owners, or by the party or parties desiring such drain, or in  
 33 case no damages are found, they shall have all the rights secured to parties petitioning  
 34 in similar cases, in counties under township organization.

§ 67. Any person who shall wrongfully and purposely fill up, cut, injure, destroy  
 2 or in any manner impair the usefulness of any drain, ditch or other work constructed  
 3 under this chapter, or heretofore constructed under any law of this State, or that may  
 4 have been heretofore constructed for the purposes of drainage or protection against  
 5 overflow, may be fined in any sum not exceeding two hundred dollars, to be recovered  
 6 before a justice of the peace in the proper county, or if the injury be to any levee  
 7 whereby lands shall be overflowed, he may, on conviction in any court of competent  
 8 jurisdiction, be fined in any sum not exceeding five thousand dollars, and shall be  
 9 deemed guilty of a felony and imprisoned in the State penitentiary for a term of not  
 10 less than one nor more than two years, at the discretion of the court. All complaints  
 11 under this section shall be in the name of the people of the State of Illinois, and all  
 12 fines, when collected, shall be paid over to the proper commissioners, to be used for the  
 13 work so injured.

§ 68. In addition to the penalties provided in the preceding section, the person so  
 2 wrongfully and purposely filling up, cutting, injuring destroying or impairing the use-  
 3 fulness of any such drain, ditch, levee, or other work, shall be liable to the Commis-  
 4 sioners having charge thereof for all damages occasioned to such work, and to the  
 5 owners and occupants of land for all damages that may result in them by such wrong-  
 6 ful act, which may be recovered before a justice of the peace, if within his jurisdiction,  
 7 or before any court of competent jurisdiction.

§ 69. The following acts are hereby repealed:

2 "An Act to provide for the construction and protection of drains, ditches, levees and  
3 other works." Approved April 24, 1871.

4 "An Act to provide for the registration of drainage and levee bonds and to secure  
5 the payment of the same." Approved April 9, 1872.

6 And "An Act to protect, by levee, lands subject to overflow, and for draining wet  
7 and swamp land and coal mines." Approved May 16, 1877.

8 But the repeal of said acts shall not affect any suits that may be pending or any  
9 rights that may have accrued at the time this act shall take effect.

§ 70. WHEREAS, There is no law now in force providing for the construction of  
2 drains, ditches and levees by special assessment; therefore, an emergency exists, and  
3 this act shall be in force from and after its passage.

1. Introduced by Mr. Delany, March 14, 1879, and ordered to first reading.
2. First reading, March 22, 1879, and referred to Committee on Judiciary.
3. Reported back March 26, with recommendation to be ordered to second reading.  
So ordered.

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## A BILL

For an act in regard to mechanics, laborers and material men's liens.

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SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General*  
2 *Assembly,* That every mechanic who shall be employed by an original contractor, every  
3 sub-contractor, and his employees, and every other person who shall with the knowl-  
4 edge and consent, expressed or implied, of the owner or lessee of any lot or piece of  
5 ground, or his agent, do any labor or furnish any materials in building, altering, re-  
6 pairing, beautifying or ornamenting any house or other building or appurtenance there-  
7 to, on such lot, or on any street or alley, and connected with such building or appur-  
8 tenance, shall have a lien for the value of such labor and materials upon such house or  
9 building and appurtenances, and upon the whole lot or piece of land upon which it  
10 stands, to the extent of the right, title and interest of the owner or lessee therein at  
11 the time of the making of the original contract for such house or improvement, which  
12 lien shall be indefeasable, and no legal relation between the owner or lessee, and any  
13 first, second or third contractor shall operate to defeat such lien, but all such contrac-  
14 tors shall be considered as agents of such owner or lessee, in the employment of labor  
15 and purchase of materials for such buildings or improvement.

§ 2. The person performing such labor or furnishing such materials, shall cause a  
2 notice in writing to be served on such owner or lessee, or his agent, substantially in the  
3 following form :

4 To , you are hereby notified that I have been employed by  
 5 to (here state whether to labor or furnish material and substantially the nature of the  
 6 undertaking or demand) upon your (here state the building and where situated, in  
 7 general terms), and that I shall hold the (building, or as the case may be) and your  
 8 interest in the ground liable for the amount that (is or may become) due me on ac-  
 9 count thereof.

9 Date [Signature]

10 Which notice may be given at the time of commencing work, or to furnish materi-  
 11 als, or at any time thereafter, or within twenty days after the doing of the last work  
 12 or furnishing the last materials, or within twenty days after the time payment should  
 13 have been made.

§ 3. In all cases where the owner or lessee, or his agent, cannot be found in the  
 2 county in which said building or improvement is in course of construction, the person  
 3 furnishing material or performing labor may cause said notice to be served by posting  
 4 a copy thereof upon the building or improvement, and by mailing a copy thereof to the  
 5 address, if known, of such owner or lessee or his agent.

§ 4. When the owner or his agent is notified, as aforesaid, he may retain from the  
 2 money due or to become due to any contractor, an amount sufficient to pay all de-  
 3 mands that are or may become due to the person giving such notice, and may pay the  
 4 same to such person, which payment shall be valid as between the owner or lessee and  
 5 such contractor.

§ 5. All persons employed upon such building as contractors (first, second or third)  
 2 employing labor or furnishing materials, shall, as often as requested by the owner or  
 3 lessee or his agent, make out and give to him a statement of the number of persons in  
 4 his employ, in any capacity, who are doing labor or furnishing materials on or for the  
 5 building or other improvement, giving their names and the rate of wages, or terms of  
 6 contract, and how much, if anything, is due to them or any of them, which statement  
 7 shall be made under oath, if required.

§ 6. If any contractor shall fail to furnish such statement within five days after de-  
 2 mand made, as aforesaid, he shall forfeit to such owner or lessee the sum of \$50 for ev-  
 3 ery such offense, which may be recovered in an action of debt, before a justice of the  
 4 peace.

§ 7 If the money due to the person giving such notice shall not be paid within ten days after service thereof, as aforesaid, or within ten days after money shall become due and payable, then such person may file his petition and enforce his lien in the same manner as is provided by law in case of original contractors, or he may sue the owner or lessee and his contractor and all contractors standing between him and the owner, jointly for the amount due him, in any court having jurisdiction, of the amount claimed to be due, and a personal judgment may be rendered thereon as in other cases.

§ 8 If execution issued on a judgment obtained before a justice of the peace shall be returned not satisfied, a transcript of such judgment may be taken to the circuit court and spread upon the records thereof, and execution issue thereon as in other cases.

§ 9. Petitions for the enforcement of liens under this act shall be in the nature of a bill in chancery and may be filed in any court having chancery jurisdiction in the county where the land and building or other improvement is located, and summons may issue thereon and served as in other chancery cases, and all process, practice and pleadings therein shall be the same as in other chancery cases.

§ 10. When any person claiming a lien shall file his petition in court, all other parties claiming liens under this act on the same property may file their joint or several petitions in the same suit, whether their lien had matured before or after the filing of the first petition, and the service of one summons in such suit shall be sufficient, but all defendants shall be duly served with process or notified by publication as in chancery cases.

§ 11. When several persons claim liens upon the same property under this act they may join together in one petition, in which shall be stated the separate claims of each, or they may file separate petitions, and one service of process on all defendants shall be sufficient.

§ 12. When different claimants commence separate suits in the same court or in different courts to enforce liens under this act, the court shall on the application of any party to any of such suits, consolidate the same, or order the transfer of one or more of such suits to the other court where such other suit or suits are pending, and such other court shall order the same to be consolidated with the suit pending therein, and upon a hearing one decree or separate decrees may be entered as the court deems proper.

§ 13. In no case shall the want of preparation for trial of one claim, delay the trial

2 in respect to others, but trial shall be had upon issues between such parties as are pre-  
 3 pared, without reference to issues between other parties, and when one claimant shall  
 4 have obtained a decree or judgment for the amount due, the court may order a sale of  
 5 the premises, on which the lien operates, or a part thereof, so as to satisfy the judgment:  
 6 *Provided*, that the court may, for good cause shown, delay making any order of sale or  
 7 distribution until the rights of all parties in interest are ascertained and settled by the  
 8 court.

§ 14. Whatever right or estate such owner had in the land at the time of making  
 2 the first contract, may be sold, and the proceeds of the sale applied to the payment of  
 3 liens allowed. If any part of the premises can be separated from the residue and sold  
 4 without damage to the whole, and if the value thereof is sufficient to satisfy all the  
 5 claims proved in the cause, the court may order a sale of that part. All sales under  
 6 this act shall be made as other sales, under decrees in chancery, and the same right of  
 7 redemption shall exist as is or may be provided for redemption of real estate from sales  
 8 under judgments and executions at common law.

§ 15. Upon the filing of the petition in any case under this act, the court may, upon  
 2 application, appoint a receiver to take possession of the building and lot pending the  
 3 suit; and such receiver shall take possession of the building in behalf of the lien  
 4 claimants, and rent the same and collect the rents, and account for the same to the court  
 5 as often as required by the court, and the same shall be applied under order of the  
 6 court to the payment of the claims allowed, and if the court deems it for the best in-  
 7 terests of the claimants, it may decree a sale of a portion of the premises, and a renting  
 8 by the receiver of the remainder of the premises, and in general, the court may, in its  
 9 discretion, exercise such control over the premises as will be for the best interests of the  
 10 parties, and may, if advisable, order a sale of the building, to be removed from the  
 11 ground, or may order the renting of the building until the rents have satisfied a  
 12 portion of the claims, and then order a sale of the property to pay the balance, or

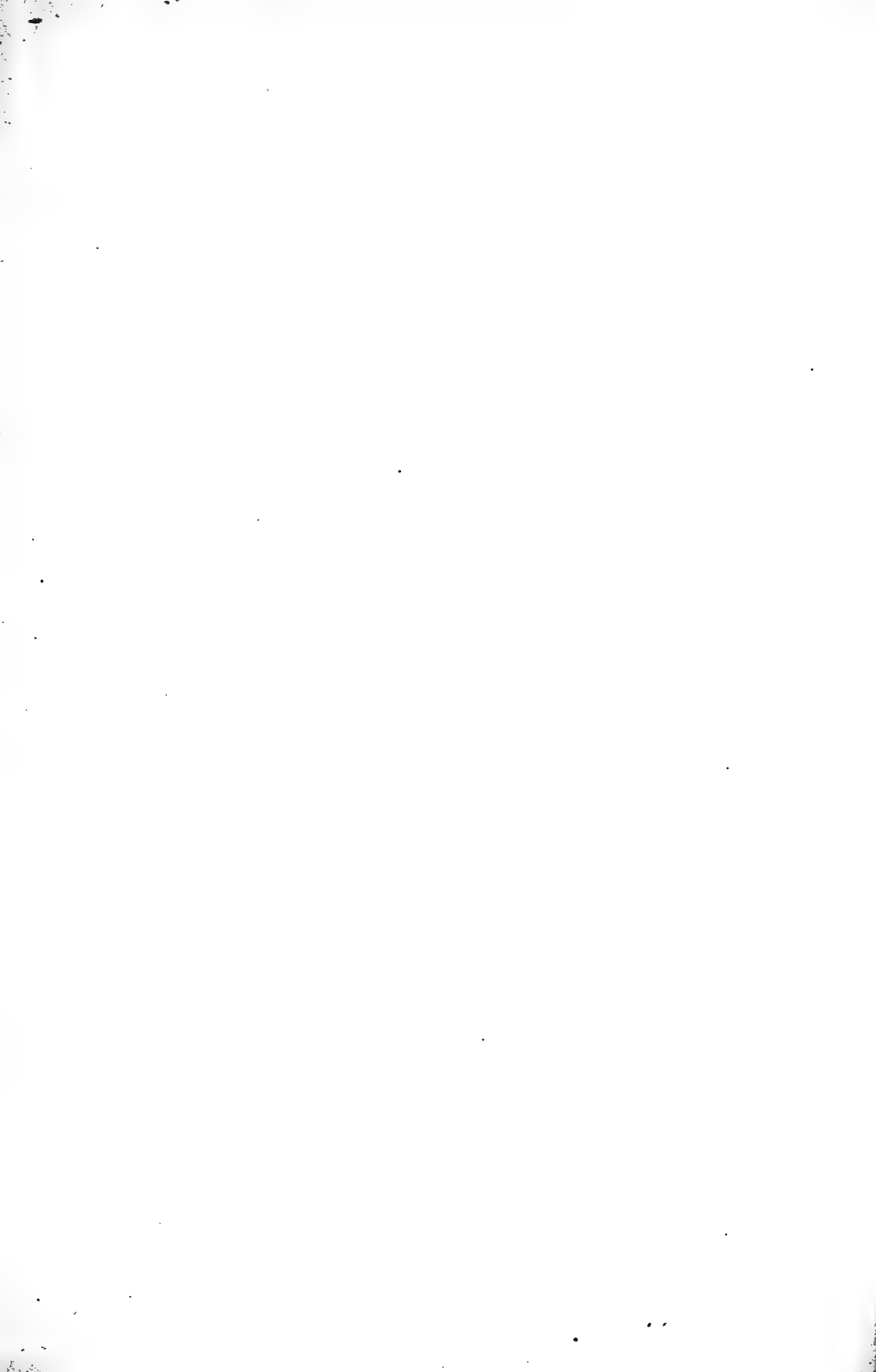
§ 16. Parties claiming liens may contest each other's rights, and may contest the  
 2 validity of any encumbrance upon the land, and the holders of encumbrances may be  
 3 made parties to the suit, or if they desire, they may become parties thereto, but no en-  
 4 cumbrance upon land, created before or after the making of the first contract, shall op-

5 erate upon the building erected, or materials furnished, until the lien in favor of the  
6 person doing the work, or furnishing the material, shall have been satisfied.

§ 17. All receivers appointed under this act shall give good and sufficient bond for  
2 the performance of their duties as such, and the faithful accounting for all moneys  
3 which come into their hands as such, which bond shall have at least two good and suf-  
4 ficient securities to be approved by the court, and they shall be subject to the control of  
5 the court, and be compensated as other receivers in chancery.

§ 18. All suits to enforce liens under this act shall be commenced within three  
2 months after the doing of the last work or furnishing of the last materials.





1. Introduced by Mr. Jones, March 14, 1879, and referred to first reading.
2. First reading March 15, and referred to Committee on Corporations.
3. Reported back with recommendation that it lie on the table, and be printed. So ordered.

## A BILL

For an Act to provide for the formation of Associations for the detection and apprehension of Horse Thieves and other Criminals.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That any number of persons, not less than ten, who shall be citizens of the State of Illinois, may be authorized to form themselves into a company or association for the purpose of detecting and apprehending horse thieves and other criminals, and for mutual protection and indemnity against the acts of horse thieves and other criminals, as hereinafter provided.

§ 2 Said persons desiring of forming such association shall subscribe articles of association, in which shall be set forth the name of such association, the residence of each member, the object of such association, and the number of years during which such association shall exist, and said articles of association shall be filed and recorded in the office of the circuit clerk of the county in which a majority of the members of such association may reside, and a certified copy of such record shall be received as prima facie evidence in any court of this State, of the existence of said association and the membership of any person belonging thereto: *Provided*, that there shall be filed and received with said articles, an affidavit of some member of such association that all the signatures thereto are genuine, according to the best of his knowledge and belief.

§ 3. Whenever said articles of association are received and filed as above pre-

2 vided, the said association, under the name and style designated in said articles, shall  
 3 be a body politic and corporate, and by such name may sue and be sued in any court of  
 4 competent jurisdiction, and may have and use a common seal.

§ 4. A majority of the members of such association shall have power to adopt a  
 2 constitution and by-laws for its government; to designate and appoint such officers as  
 3 they may deem proper, who shall hold their offices during the time designated by such  
 4 constitution and by-laws, and shall perform the duties required of them as set forth in  
 5 such constitution and by-laws, and, with the consent of the board of supervisors or com-  
 6 missioners of the county in which such articles of association are recorded, to designate  
 7 any member of the association who may be in the pursuit of horse thieves or other  
 8 criminals as a special officer for the arrest of such criminals, and who shall have all the  
 9 powers of constables.

§ 5. Said association may make, and collect from its members, such assessments as  
 2 may be authorized by its constitution or by-laws, and may, if so provided for in its con-  
 3 stitution, indemnify its members for losses caused by horse thieves or other criminals,  
 4 and so much of the fund arising from such assessment may be expended as shall be  
 5 deemed necessary in the pursuit and arrest, and in procuring the conviction of horse  
 6 thieves and other criminals. And the association shall be empowered to do all other  
 7 acts and things consistent with the object of this act, and not in contravention of the  
 8 laws of this State or of the United States.

§ 6. It shall be lawful for the board of supervisors, or the commissioners of coun-  
 2 ties, of this State, to make such donation out of the county treasury to associations  
 3 formed under this act, as may be deemed just and proper, for the arrest and conviction  
 4 of horse thieves and other criminals.

§ 7. All laws and parts of laws inconsistent with this act are hereby repealed.

1. Introduced by Mr. Hunt March 18, 1879, and ordered to first reading.
2. First reading March 22, 1879, and referred to Committee on Judiciary.
3. Reported back, passage recommended and ordered to second reading March 25, 1879.

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## A BILL

For an act to amend section 47 of an act entitled "An Act in regard to practice in courts of record," approved February 22, 1872, in force July 1, 1872.

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SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That section forty-seven (47) of an act entitled "An Act in regard to practice in courts of record," approved February 22, 1872, in force July 1, 1872, be and the same is hereby amended so as to read as follows :

SECTION 47. The foregoing section shall not apply to cases of application for continuance, by reason of the absence of any attorney or counsel, who shall not have been employed in such suit prior to the commencement of such session of the General Assembly, nor to practice in the supreme court; nor shall it apply to any case where by an inspection of the papers in the case it shall appear to the court that the suit was begun since the commencement of such session of the General Assembly.



1. Introduced by Hunt March 18, 1879, and ordered to first reading.
2. First reading March 22, and referred to Committee on Judiciary.
3. Reported back, passage recommended and ordered to second reading March 25.
4. Second reading, amended, and ordered to third reading May 10.

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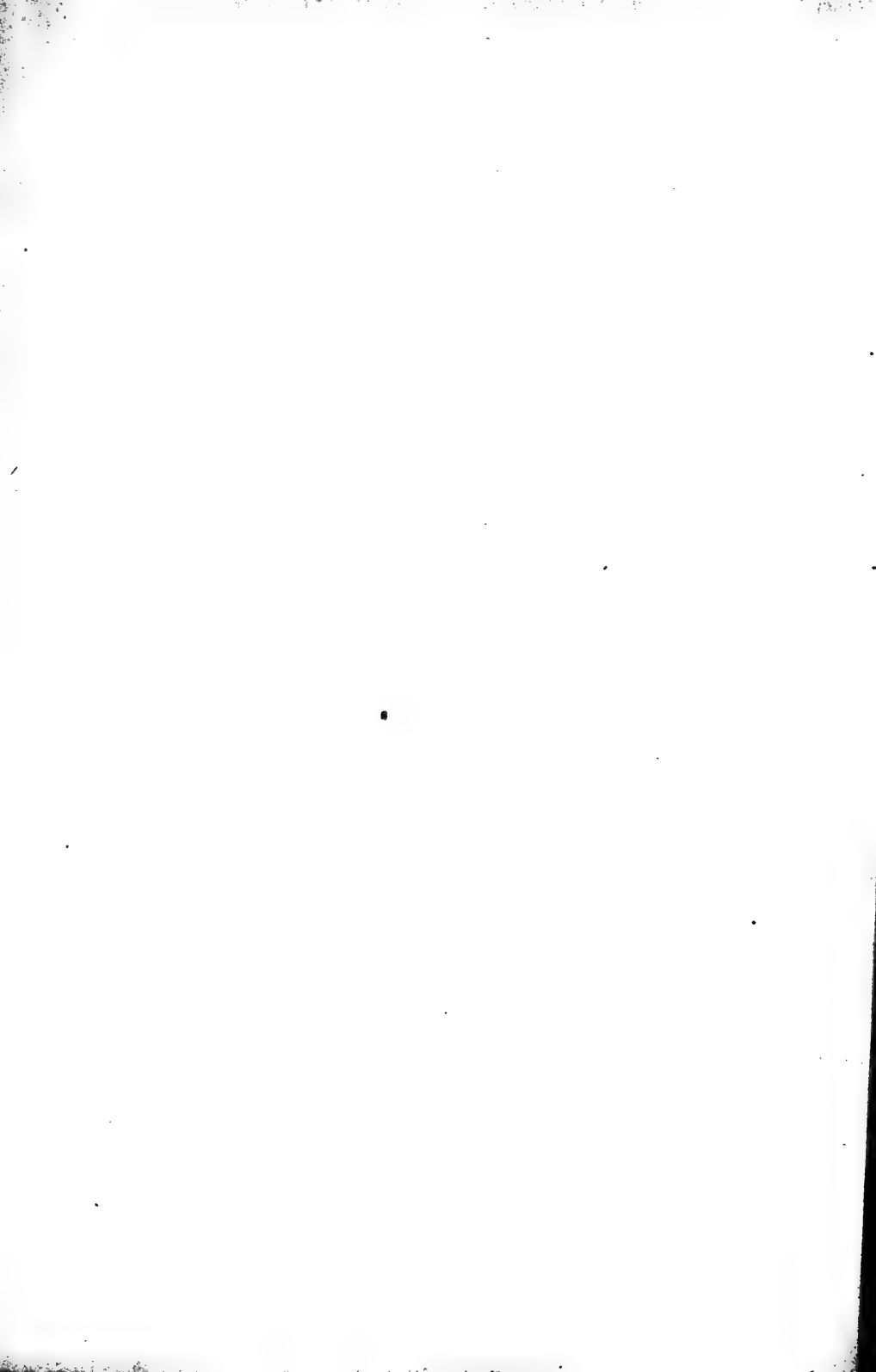
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SECTION 47. The foregoing section shall not apply to cases of application for continuance, by reason of the absence of any attorney or counsel, who shall not have been employed in such suit prior to his election as a member of the General Assembly, nor to practice in the supreme court; nor shall it apply to any case where by an inspection of the papers in the case it shall appear to the court that the suit was begun since the commencement of such session of the General Assembly.



1. Introduced by Mr. Merritt March 18, and ordered to first reading.
2. First reading March 22, and referred to Committee on Railroads.
3. March 27, reported back with recommendation it be ordered so second reading.  
So ordered.

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## A BILL

For An Act in regard to the wages of railway employees.

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SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That any engineer, fireman, stoker, conductor, baggage-man, brakeman or other employe, of any railroad company or corporation, whose lines lie wholly or partially in this State, is hired or employed by any of said railroad companies or corporations, to work at a fixed and certain schedule time, and the said engineer, fireman, stoker, conductor, baggageman, brakeman or other employe of said railroad company or corporation, is compelled to work longer, or over and above the schedule time, it shall be the duty of the said company or corporation, to pay the said employe so working over time, for each and every hour that the said employe shall work over the schedule time, at the same rate *pro rata* per hour as the said employe shall receive while working on the said schedule time.





1. Introduced by Mr. Maybourn March 18, 1879, and ordered to first reading.
2. First reading March 21, and referred to Committee on Warehouses.
3. Reported back and ordered to second reading April 18.

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## A BILL

For an Act to confer additional powers upon Boards of Trade.

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SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* Boards of trade incorporated under the State law, or by special charter, may constitute and appoint committees of reference and arbitration and committees of appeals, be governed by such rules and regulations as may be prescribed in the rules, regulations who shall or by-laws for settlement of such matters of difference as may be voluntarily submitted for arbitration by members of the association, or by other persons not members thereof. The president of the board, or the acting chairman of either of said committees, when sitting as arbitrators, may administer oaths to the parties and witnesses, and issue subpoenas and attachments compelling the attendance of witnesses, the same as justices of the peace, and in like manner directed to any constable to execute.

§ 2. When any submission shall have been made in writing, and the final award shall have been rendered, and no appeal taken within the time fixed by the rules and by-laws, then, on filing such award and submission, with the clerk of any court of record of the county wherein said board of trade is located, an execution may issue upon such award as if it were a judgment rendered in such court. And such award shall thenceforth have the force and effect of such a judgment, and shall be entered upon the judgment docket of said court.



1. Introduced by Mr. Fuller March 19, and ordered to first reading.
2. First reading March 22, and referred to Committee on Municipalities.
3. April 3, reported back with recommendation that it be ordered to second reading. So ordered.

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## A BILL

For an act to prevent usurious penalties.

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SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That in all negotiable instruments, executed after the taking effect of this act, it shall be unlawful to contract for or receive any higher rate of interest than eight per centum per annum, by reason of time being made the essence of the contract; and no higher rate than that herein mentioned shall be taken or received, or contracted to be taken or received by any person or corporation, as a penalty for non-payment of any obligation at maturity; but all contracts in which a higher rate than eight per centum is stipulated to be paid as a penalty, are hereby declared to be usurious, within the meaning of this act.



1. Introduced by Mr. Johnson March 19, 1879, and ordered to first reading.
2. First reading March 22, and referred to Committee on Insurance.
3. Reported back, passage recommended, and ordered to second reading April 25.

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## A BILL

For an act to incorporate and to govern life accident and casualty insurance companies.

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SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That any number of persons not less than twelve, citizens of this State, may associate and form an incorporated company, for the following purposes, to-wit: To make insurance on the lives of individuals to grant annuities and endowments, and to transact business in all the different branches of life insurance, to insure against accidents to life or limb, and against any and all accidents to persons or things.

§ 2. No joint stock company shall be formed under this act, with a less capital than fifty thousand dollars. No mutual company formed under or by authority herewith, shall commence business until not less than fifty agreements for insurance of not less than two thousand dollars each, shall have been duly and *bona fide* executed and entered into.

§ 3. Such persons shall file in the office of the auditor of public accounts, a declaration, signed by all the corporators, expressing their intention to form a company for the purpose of transacting the business of insurance, as expressed in the first section of this act, which declaration shall also comprise a copy of the charter proposed to be adopted by them; and shall publish a notice of such, their intention once in each week for at least four weeks, in a public newspaper in the county in which such insurance company is proposed to be located.

§ 4. The charter comprised in such declaration, shall set forth the name of the

2 company, where the principal office for the transaction of its business shall be located,  
 3 the mode and manner in which the corporate powers granted by this act, are to be ex-  
 4 ercised. The mode and manner of electing trustees or directors, a majority of which  
 5 shall be citizens of this state. The period and commencement of its fiscal year and the  
 6 amount of capital to be employed in the transaction of its business, and the Auditor of  
 7 Public Accounts shall have the right to reject any name or title of any company ap-  
 8 plied for, when he shall deem the name too similar to one already appropriated or  
 9 likely to mislead the public in any respect.

§ 5. The opening of books, investment of capital, the holding of real estate, the  
 2 examination of the charter by the Attorney General by law, seal dividends, &c., and in  
 3 all other respects shall be governed by the sections applicable thereto in an act "En-  
 4 titled an Act to incorporate and to govern fire, marine and inland navigation insurance  
 5 companies, doing business in the State of Illinois, approved March 11, 1869, in force  
 6 July 1, 1869.

1. Introduced by Mr. Campbell March 19, 1879, and ordered to first reading.
2. First reading March 22, 1879, and referred to Committee on Judiciary.
3. Reported back with amendments, passage recommended, and ordered to second reading March 25, 1879.

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Amendments of Judiciary Committee.

Amend by inserting before the word "wherein" in line 3, section 11, the words "or the  
2 judge of such criminal court of Cook county."

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**A BILL**

For an act to amend an act entitled "An Act concerning bastardy," approved April 8, 1872;  
in force July 1, 1872.

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SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General  
2 Assembly, That sections three (3), four (4), eleven (11) and twelve (12) of an act entitled  
3 "An Act concerning bastardy," be, and the same are hereby amended, so as to read as  
4 follows:*

SECTION 3. Upon his appearance, it shall be the duty of said justice to examine the  
2 woman, upon oath or affirmation, in the presence of the man alleged to be the father  
3 of the child, touching the charge against him. The defendant shall have the right to  
4 controvert such charge, and evidence may be heard as in cases of trial before the county  
5 court. If the justice shall be of the opinion that sufficient cause appears, it shall be his  
6 duty to bind the person so accused in bond, with sufficient security, to appear at the  
7 next county court, to be holden in such county, to answer such charge, to which court  
8 said warrant and bond shall be returned, except that in the county of Cook, where said  
9 warrant and bond shall be returned to the criminal court of Cook county. On neglect



10 or refusal to give bond and security, the justice shall cause such person to be committed  
11 to the jail of the county, there to be held to answer the complaint.

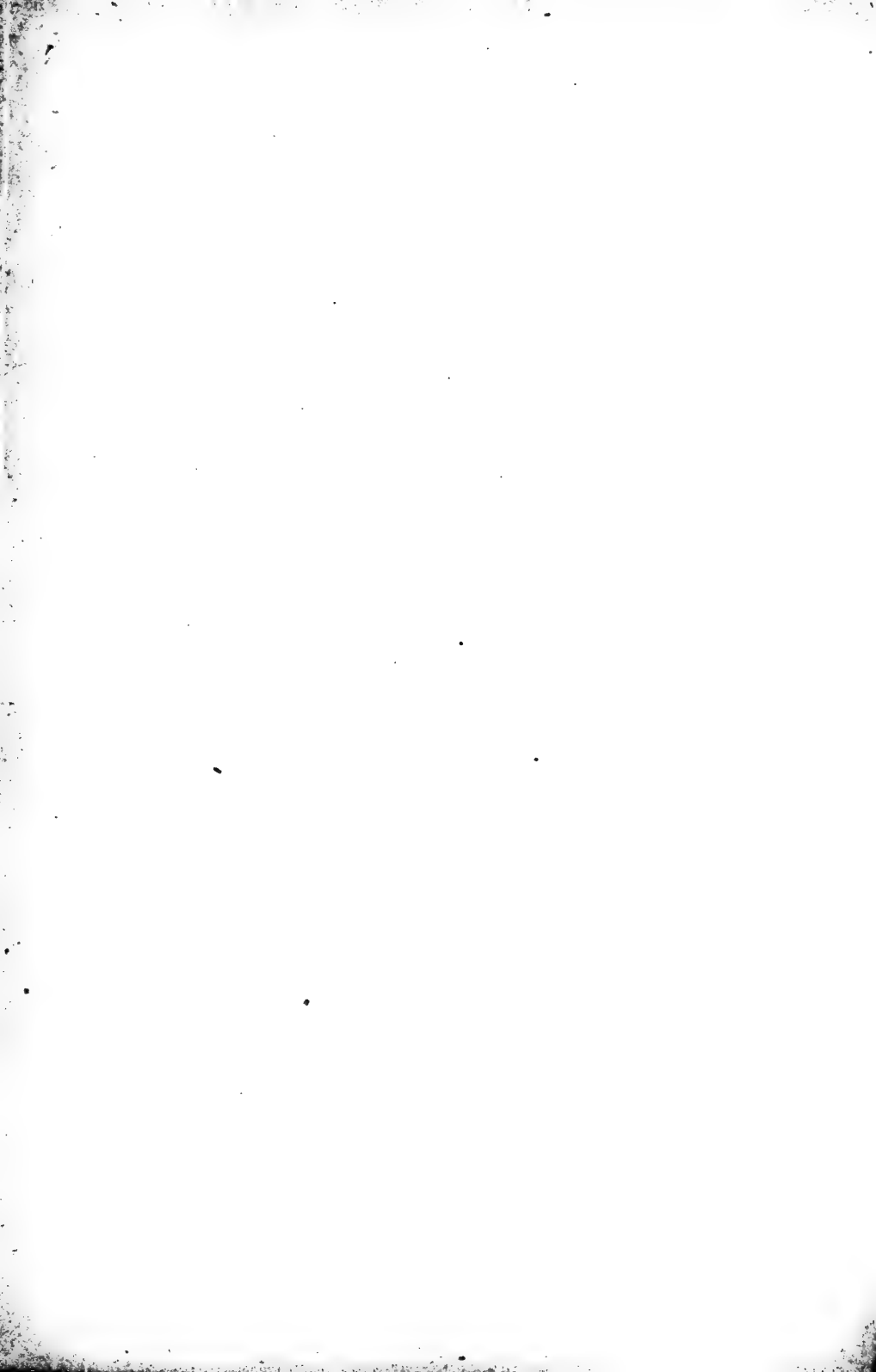
§ 4. The county or the said criminal court of such county, at its next term, shall  
2 cause an issue to be made up, whether the person charged, as aforesaid, is the real father  
3 of the child or not, which issue shall be tried by a jury. When the person charged  
4 appears and denies the charge, he shall have a right to controvert, by all legal evidence,  
5 the truth of such charge.

§ 11. Whenever default shall be made in the payment of a quarterly installment, or  
2 any part thereof, mentioned in the bond provided for in the foregoing section, the  
3 county judge of the county, or the judge of the criminal court in Cook county, wherein  
4 such bond is filed, shall, at the request of the mother, guardian, or any other person in-  
5 terested in the support of such child, issue a citation to the principal and sureties in said  
6 bond, requiring them to appear on some day, in said citation mentioned, during the  
7 next term of the county court of said county for probate business, or of the said crimi-  
8 nal court, and show cause, if any they have, why execution should not issue against  
9 them for the amount of the installment or installments due and unpaid on said bond,  
10 which said citation shall be served by any sheriff or constable of the county in which  
11 such principal or sureties reside or may be found, at least five days before the term day  
12 thereof. And if the amount due on such installment or installments shall not be paid  
13 at or before the time mentioned for showing cause as aforesaid, the judge shall render  
14 judgment in favor of the people of the State of Illinois, against the principal and sure-  
15 ties who have been served with said citation, for the amount unpaid on the installment  
16 or installments due on said bond, and the costs of said proceeding; and execution shall  
17 issue from said court against the goods and chattels of the person or persons against  
18 whom said judgment shall be rendered, for the amount of said judgment and costs, to the  
19 sheriff of any county in the State where the parties to said judgment, or either of them,  
20 reside or have property subject to such execution.

§ 12. And said judge shall also have power in case of default in the payment, when  
2 due, of any installment or installments, or any part thereof, in the condition of said  
3 bond mentioned, to adjudge the reputed father of such child guilty of contempt of  
4 said court, by reason of the non-payment as aforesaid, and to order him to be commit-  
5 ted to the county jail of said county until the amount of said installment or installments

6 so due, shall be fully paid, together with all costs of such commitment, and in the ob-  
7 taining and enforcement of said judgment and execution, as aforesaid. But the com-  
8 mitment of such reputed father, shall not operate to stay or defeat the obtaining of  
9 judgment and the collection thereof by execution as aforesaid: *Provided*, that the ren-  
10 dition and collection of judgment, as aforesaid, shall not be construed to bar or hinder  
11 the taking of similar proceedings for the collection of subsequent quarterly installments  
12 on said bond, as they shall become due and remain unpaid: *And provided further*,  
13 That if the judge or any other person interested in the support of such child, shall deem  
14 it necessary, in order to secure the payment or collection of such judgment, that the  
15 same should be made a lien on real estate, a transcript of said proceedings and judg-  
16 ment shall be made by the clerk of said court, and filed and recorded in the office of the  
17 clerk of the circuit court of said county, in the same manner and with like effect as tran-  
18 scripts of judgments of the justices of the peace are filed and recorded, to make the  
19 same a lien on real estate, and execution and other process shall thereupon issue for the  
20 collection of said judgment as in case of other judgments in said circuit court, and the  
21 provisions of this section, as far as applicable, apply to all bonds which have heretofore  
22 been taken in pursuance of the statutes in regard to bastardy.

23 WHEREAS, The provisions of the statutes, giving jurisdiction in bastardy cases to  
24 county courts, are unconstitutional, so far as the county court of Cook county is con-  
25 cerned; therefore, an emergency exists, and this act shall be in force from and after  
26 its passage.



- 1 Introduced by Mr. Campbell March 19, 1879, and ordered to first reading.
- 2 First reading March 22, 1879, and referred to Committee on Judiciary.
- 3 Reported back with amendments, passage recommended, and ordered to second reading March 25, 1879.
- 5 May 5, second reading, amended and ordered third reading.

## A BILL.

For an act to amend an act entitled "An Act concerning bastardy," approved April 3,  
1872; in force July 1, 1872.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the*  
2 *General Assembly, That sections three (3), four (4), eleven (11) and twelve (12) of an*  
3 *act entitled "An Act concerning bastardy," be, and the same are hereby amended, so*  
4 *as to read as follows:*

SECTION 3. Upon his appearance, it shall be the duty of said justice to examine  
2 the woman, upon oath or affirmation, in the presence of the man alleged to be the fa-  
3 ther of the child, touching the charge against him. The defendant shall have the  
4 right to controvert such charge, and evidence may be heard as in cases of trial before  
5 the county court. If the justice shall be of the opinion that sufficient cause appears,  
6 it shall be his duty to bind the person so accused in bond, with sufficient security, to  
7 appear at the next county court, to be holden in such county, to answer such charge  
8 to which court said warrant and bond shall be returned, except that in the county of  
9 Cook, where said warrant and bond shall be returned to the criminal court of Cook  
10 county. On neglect or refusal to give bond and security, the justice shall cause such  
11 person to be committed to the jail of the county, there to be held to answer the com-  
12 plaint.

The county court of the county or the criminal court of Cook county, at its next term, shall cause an issue to be made up, whether the person charged, as aforesaid, is the real father of the child or not, which issue shall be tried by a jury. When the person charged appears and denies the charge, he shall have a right to controvert, by all legal evidence, the truth of such charge.

§ 11. Whenever default shall be made in the payment of a quarterly installment, or any part thereof, mentioned in the bond provided for in the foregoing section, the county judge of the county, or the judge of the criminal court in Cook county, wherein such bond is filed, shall, at the request of the mother, guardian, or any other person interested in the support of such child, issue a citation to the principal and sureties in said bond, requiring them to appear on some day, in said citation mentioned, during the next term of the county court of said county for probate business, or of the said criminal court, and show cause, if any they have, why execution should not issue against them for the amount of the installment or installments due and unpaid on said bond, which said citation shall be served by any sheriff or constable of the county in which such principal or sureties reside or may be found, at least five days before the term day thereof. And if the amount due on such installment or installments shall not be paid at or before the time mentioned for showing cause as aforesaid, the judge shall render judgment in favor of the people of the State of Illinois, against the principal and sureties who have been served with said citation, for the amount unpaid on the installment or installments due on said bond, and costs of said proceeding; and execution shall issue from said court against the goods and chattels of the person or persons against whom said judgment shall be rendered, for the amount of said judgment and costs, to the sheriff of any county in the State where the parties to said judgment, or either of them, reside or have property subject to such execution.

§ 12. And said judge shall also have power in case of default in the payment, when due, of any installment or installments, or any part thereof, in the condition of said bond mentioned, to adjudge the reputed father of such child guilty of contempt of said court, by reason of the non-payment as aforesaid, and to order him to be com-

mitted to the County jail of said county until the amount of said installment or installments so due, shall be fully paid, together with all costs of such commitment, and in the obtaining and enforcement of said judgment and execution, as aforesaid. But the commitment of such reputed father, shall not operate to stay or defeat the obtaining of judgment and the collection thereof by execution as aforesaid: *Provided*, that the rendition and collection of judgment, as aforesaid, shall not be construed to bar or hinder the taking of similar proceedings for the collection of subsequent quarterly installments on said bond, as they shall become due and remain unpaid: *And provided further*, That if the judge or any other person interested in the support of such child, shall deem it necessary, in order to secure the payment or collection of such judgment, that the same should be made a lien on real estate, a transcript of said proceedings and judgment shall be made by the clerk of said court, and filed and recorded in the office of the clerk of the circuit court of said county, in the same manner and with like effect as transcripts of judgments of the justices of the peace are filed and recorded, to make the same a lien on real estate, and execution and other process shall thereupon issue for the collection of said judgment as in case of other judgments in said circuit court, and the provisions of this section, as far as applicable, apply to all bonds which have heretofore been taken in pursuance of the statutes in regard to bastardy.

WHEREAS, The provisions of the statutes, giving jurisdiction in bastardy cases to county courts, are unconstitutional, so far as the county court of Cook county is concerned; therefore, an emergency exists, and this act shall be in force from and after its passage.



1. Introduced by Mr. Lewis, March 19, 1879, and ordered to first reading.
2. First reading March 22, and referred to Committee on Canals and Rivers.
3. Reported back and recommended be referred to Committee on Judiciary April 29. So ordered.
4. Reported back, passage recommended and ordered to second reading April 30.

### A BILL

For an act to authorize and direct the Canal Commissioners to make a deed of conveyance of Lot Four, in Block Eighteen, in the Town of Ottawa, to the County of LaSalle.

WHEREAS, The county of LaSalle, by its county commissioners, did, on the 15th day of August, A. D. 1831, sell to Abner Young, for the sum of fifty dollars, lot four, in block eighteen, in the town of Ottawa, and issue a certificate of sale therefor; and,

WHEREAS, In pursuance of said sale, the said county commissioners did, on the 31st day of December, 1838, execute a deed of conveyance of the said lot to Anthony Pitzer, the legal holder of said certificate of sale; and,

WHEREAS, The owners of said lot have, since said sale, paid taxes assessed on the same by the State of Illinois, for State purposes, to the amount of over four thousand dollars; and,

WHEREAS, The State has, ever since said sale of said lot, recognized the validity thereof by taxing said lot; and,

WHEREAS, It now appears that if said lot was ever conveyed by the State to said county of LaSalle, said conveyance has been lost or destroyed, and no record thereof remains; therefore,

**SECTION 1.** *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That the Canal Commissioners be and they hereby are authorized and directed*



3 to convey to the county of LaSalle lot four, in block eighteen, in the town of Ottawa,  
4 as laid off by the Canal Commissioners, and to execute and deliver to said county a deed  
5 of conveyance for the same.

1. Reported to House, May 7, 1879.
2. First Reading, May 12, 1879, and referred to Committee on Judiciary.
3. Reported back, Passage Recommended, and ordered to Second Reading, May 23, 1879.
4. Second Reading and ordered to Third Reading, May 23, 1879.
5. Vote ordering to Third Reading, reconsidered amended and again ordered to Third Reading, May 24, 1879.

Senate Bill No. 428, Amendments adopted May 24, 1879, by House of Representatives.

Add to Section 1.

"Provided that the deed herein specified shall not be executed except upon the  
2 payment of the sum of two hundred and fifty dollars to the Canal Commissioners  
3 and that such payment shall be a condition precedent to the execution of such deed."

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## A BILL

For an act to authorize and direct the Canal Commissioners to make a deed of conveyance  
of lot four, (4) in block eighteen, (18) in the town of Ottawa, to the County of LaSalle.

WHEREAS, The county of LaSalle, by its county commissioners, did, on the 15th  
2 day of August, A. D. 1831, sell to Abner Young, for the sum of fifty dollars, lot four;  
3 (4) in block eighteen, (18) in the town of Ottawa, and issue a certificate of sale there-  
4 for; and,

5 WHEREAS, In pursuance of said sale, the said county commissioners did, on the  
6 31st day of December, A. D. 1838, execute a deed of conveyance of the said lot to  
7 Anthony Pitzer, the legal holder of said certificate of sale; and,

8 WHEREAS, The owners of said lot have, since said sale, paid taxes assessed on the  
9 same by the State of Illinois, for State purposes, to the amount of over four thousand  
10 dollars; (\$4000,) and,

11 WHEREAS, The State has, ever since said sale of said lot, recognized the validity  
12 thereof by taxing said lot; and,

13 WHEREAS, It now appears that if said lot was ever conveyed by the State to said  
14 county of LaSalle, said conveyance has been lost or destroyed, and no record thereof  
15 remains ; therefore,

SECTION 1. *Be it enacted by the people of the State of Illinois represented in the*  
2 *General Assembly,* That the Canal Commissioners be and they hereby are authorized  
3 and directed to convey to the county of LaSalle lot four, (4) in block eighteen, (18)  
4 in the town of Ottawa, as laid off by the Canal Commissioners, and to execute and  
5 deliver to said county a deed of conveyance for the same.

1. Introduced by Mr. Riddle, March 19, 1879, and ordered to first reading.
2. First reading March 22, and referred to Committee on Revenue.
3. Reported back, passage recommended, and ordered to second reading April 19th.

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## A BILL

For an act to amend section one of an act entitled, "An act to provide for the assessment and taxation of bridges across navigable waters on the borders of this State," approved and in force May 1, 1873.

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SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That all bridge structures across any navigable stream or streams on the border of this State, owned or controlled by any railroad company or other corporation, or person, shall be assessed by the township or other assessor, in the county or township where the same is, or may hereafter be located, as real estate; and all the provisions of law relative to the assessment and taxation of real estate shall apply to the assessment and taxation of such bridges. Such assessor shall give, in his description, the quarter section, section, township and range in which such bridge is located or terminates in this State, together with the metes and bounds of the ground occupied by such bridge and the approach thereto, from the end on the Illinois shore to the boundary line of the State opposite thereto. For the purpose of making such description the assessor may employ a competent surveyor, and the expense of making such survey and description shall be charged, as a tax, against such property, by the county clerk, on the certificate of the surveyor; and the return of any such bridge property, by any railroad company, or person owning or controlling the same, to the Auditor of Public Accounts, as a part of its or their "railroad track" shall not in any manner prevent or invalidate the assessment and taxation of such property by the local authorities

18 as hereinbefore provided: *Provided*, that one survey of any bridge or approaches, made  
19 under this act, shall be deemed sufficient for the purpose of subsequent assessments  
20 under this act.

1. Introduced by Mr. Riddle, March 19, 1879, and ordered to first reading.
2. First reading March 22, and referred to Committee on Municipalities.
3. Reported back April 12, and ordered to second reading.

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### A BILL

For an act to create a County Board of Park Commissioners in counties wherein two or more Boards of Park Commissioners now exist.

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**SECTION 1.** *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That in any county in this State wherein there now exists two or more Boards of Park Commissioners organized under any general or special law or laws, there shall be and is hereby created and established a Board of Park Commissioners which shall be known and designated as the "Board of Park Commissioners for the county of—."

§ 2. Such Board of Park Commissioners shall consist of three members, who shall hold their offices for four years and until their successors are appointed and qualified.

§ 3. It is hereby made the duty of the governor on or before the                      day of                      , A. D., 1879, and every four years thereafter, to nominate and appoint by and with the consent of the Senate, three commissioners, who shall be freeholders and legal voters, who shall be selected from the township or townships, or district, wherein such park boards are now established, in such manner as to fairly and equitably represent in the board hereby established the different localities interested.

§ 4. In case of any vacancy in such board from any cause, the Governor shall fill the same by appointment, such appointee shall hold only for the unexpired term of his predecessor.

§ 5. Each commissioner, when so appointed, shall take an oath to faithfully perform the duties of such Park Commissioner, and shall enter into bond in the sum of \$20,000, conditioned for the faithful performance of such duties, which bond shall run to the treasurer of the county and be approved by the judge of the county court.

§ 6. Such commissioners shall elect one of their number president, shall appoint a secretary who shall not be one of their number, and shall elect a treasurer, fix his bonds and prescribe his duties and compensation.

§ 7. Such Board of Park Commissioners shall be a body politic and corporate, may have and use a common seal, and alter the same at pleasure, and may sue and be sued.

§ 8. Such Board of Park Commissioners shall have and possess and may exercise, use and enjoy all of the powers and privileges, and shall execute and perform all the powers and duties now possessed, exercised and performed by any or either of the park boards now existing, and all provisions of law now in force in behalf of any or either of such park boards shall be executed and enforced by the Board of Park Commissioners hereby created as fully and completely as the same may be or can be by any Board of Park Commissioners now existing.

§ 9. It is hereby declared to be the true meaning and intent of this act to create a new board of Park Commissioners to carry out and exercise the powers heretofore vested in or exercised by the several boards of Park Commissioners, except as herein otherwise provided.

§ 10. All such boards heretofore appointed or created shall immediately, upon the organization of the board of Park Commissioners hereby created, turn over and deliver to such new board all property, papers, maps, and records of every kind and description appertaining to their respective boards, and all rights, privileges and powers vested in such park boards, heretofore existing, shall absolutely cease upon the organization of the park board hereby created.

§ 11. Nothing herein contained shall in any degree suspend, impair or invalidate any proceeding, suit, contract, tax or assessment made by the now existing park boards, but the same shall proceed and remain in full force and effect as heretofore.

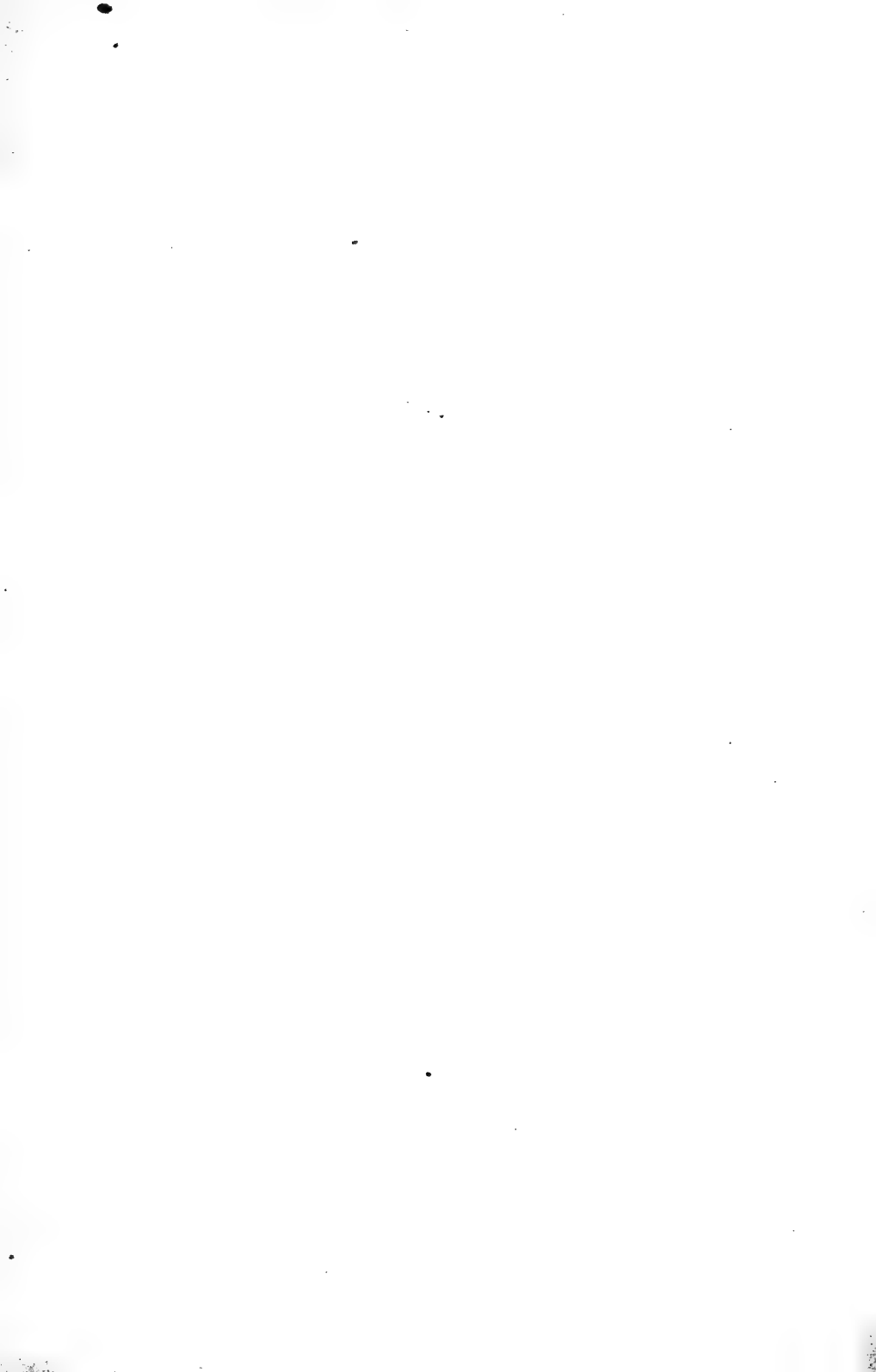
§ 12. All moneys and taxes shall be paid to the county treasurer, and shall be paid

2 out by him only on the check or draft of the park board, or such officer as such board  
3 may designate.

§ 13. The said commissioners shall give their whole time to the duties of their  
2 office, and shall be subject to removal by any of the modes now prescribed by law.

§ 14. The commissioners so appointed by the Governor, shall, and may receive a  
2 salary not to exceed \$            each, per annum.





1. Introduced by Mr. Riddle March 19, 1879, and ordered to first reading.
2. First reading March 19, 1879, and referred to Committee on Revenue.
3. March 27, reported back with recommendation it be ordered to second reading.  
So ordered.

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## A BILL

For an Act providing a mode of obtaining statistics showing the actual sales of property  
in the State.

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WHEREAS, the revenue law provides that all property shall be assessed by the assess-  
ors at its fair cash value and there is now no mode by which the fair cash value can be  
ascertained except by the returns of the assessors, and it being believed that actual and  
bona fide sales of property furnish the only safe and accurate mode by which to deter-  
mine the fair cash value of property; therefore,

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General*  
*Assembly,* That the Auditor of Public Accounts shall prepare appropriate blanks for  
the purpose of obtaining information as to actual sales of property in the State, so  
that when returned they shall show a description of the property if real estate, and  
personal property, the character and quality, number and quantity of the consideration  
and date of such sale with such other information as the blank shall specify; such  
blanks shall be sent by the Auditor to Recorders and such other officers or persons as  
the Auditor may determine on or about the first day of May in each year, and the same  
shall be returned on or before the fifteenth day of June following, and shall show all  
sales coming within the official knowledge of the officer making the return for the year  
ending the first of May.

§ 2. It shall be the duty of every officer who shall receive any such blank, to fill  
the same according to the facts, so far as they may come to his official knowledge, or

3 shall appear by any record in his possession; upon the receipt of the return as afore-  
4 said, by the Auditor, it shall be his duty to make an abstract thereof, and lay the same  
5 before the State Board of Equalization for its information.

§ 3. Any public officer who shall wilfully fail to observe the provisions of this act,  
2 or who shall make any false or fraudulent statement or return, shall be deemed guilty  
3 of misfeasance in office, and be punished accordingly.

§ 4. WHEREAS, It is important that the information contemplated by this act, should  
2 be obtained forthwith; therefore, an emergency exists as a reason why this act should  
3 take effect from and after its passage; therefore the same shall take effect and be in  
4 force from and after its passage.

1. Introduced by Mr. Bonfield, from Committee on Judicial Department, March 20, 1879, and ordered to first reading.
2. First reading March 20, 1879, and ordered to second reading.

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## A BILL

For an act to amend sections one, five, eight and seventeen of an act entitled "An Act to establish appellate courts," approved June 2, 1877, and to add an additional section thereto.

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SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That sections one, five, eight and seventeen of an act entitled "An Act to establish appellate courts," approved June 2, 1877, be amended so as to read as follows: There are hereby created four appellate courts in this State, to be called the appellate courts in and for the districts hereby created: the first district to consist of the counties of Cook, Boone, McHenry, Kane, DeKalb, Dupage and Lake; the second district to include all the counties which now are or hereafter may be embraced within the northern grand division of the supreme court, except the counties of Cook, Boone, McHenry, Kane, DeKalb, DuPage and Lake, the third district to embrace all the counties which now are or hereafter may be embraced within the central grand division of the supreme court, and the fourth district to include all the counties which are or hereafter may be embraced within the southern grand division of the supreme court. Said appellate courts shall be courts of record, with a seal and clerk for each, respectively, and each shall be held by three of the judges of the circuit court to be assigned in the manner hereinafter provided.

§ 5. The Supreme Court of this State shall assign twelve of the judges of the Circuit Court of this State to duty in said Appellate Courts, as follows: Three of them to the first district; three of them to the second district; three of them to the third district, and three of them to the fourth district; which said assignment shall be for the term of

5 of six years from and after the first Monday in June, 1879, and upon the expiration of  
 6 the term of office of the judges, so assigned to appellate court duty, the Supreme Court  
 7 shall, in like manner, assign the same number of the judges of the circuit courts to duty,  
 8 as the successors of the first named judges, to hold the appellate courts for a like term  
 9 of office and so, in like manner, ever hereafter. But no judge of the circuit court shall be  
 10 assigned by the supreme court to duty in the appellate court in the same district in which  
 11 said circuit judge may reside or may have been elected: *Provided, always,* the supreme  
 12 court may, upon good cause shown, or whenever it shall appear that the judicial bus-  
 13 iness of the circuit of any judge shall require that he should be restored to the duties of  
 14 his circuit, remove any one or more of the judges so assigned to appellate court duty,  
 15 and may fill the place or places made vacant by such removal, by the assignment  
 16 of another or other judges of the circuit court; but said vacancies shall be filled pur-  
 17 suant to the restrictions in this section, hereinbefore provided.

§ 8. The said appellate courts shall exercise appellate jurisdiction only. They shall  
 2 have jurisdiction, and appeals and writs of error may be prosecuted to the said appel-  
 3 late courts from the final judgments or orders of the county courts in all suits or pro-  
 4 ceedings at law, and in all cases when the defendant or defendants have been convicted  
 5 and sentenced on an indictment for misdemeanor, and in all suits or proceedings at law  
 6 in the circuit courts, the superior court of Cook county, or from any of the city courts.  
 7 An appeal may be taken or a writ of error may be prosecuted to the appellate courts when  
 8 the judgment or order is final and the amount involved is three thousand dollars or less.  
 9 Writs of error may be prosecuted to the appellate courts from the final judgment or  
 10 order of the circuit court, the superior court of Cook county or from any of the city  
 11 courts, by the defendant or defendants, from judgments of convictions or misde-  
 12 meanors. Appeals and writs of error may be taken and prosecuted from the final judg-  
 13 ments, orders or decrees of the circuit courts, the superior court of Cook county and  
 14 from the city courts, to the Supreme Court, and not elsewhere, in the following cases:  
 15 In all chancery causes, in all criminal causes, when a conviction may be had on the  
 16 trial of the case from crime above the grade of a misdemeanor, in all cases involving a  
 17 franchise, or a freehold, or the validity of a statute, or of an ordinance of a municipal  
 18 corporation, either on constitutional or other grounds, and in all cases at law, where  
 19 the amount of the judgment rendered, from which an appeal is taken, or a writ of error

is prosecuted, is over three thousand dollars, exclusive of costs, in all cases heard and determined in any of the appellate courts, in any suit or proceeding at law, wherein the amount of the judgment in the court below does not exceed one thousand dollars, exclusive of costs, and the judgment is affirmed, the judgment of the appellate court shall be final, and no appeal shall be taken or writ of error presented from the same to the supreme court. In all cases heard and finally determined in said appellate courts wherein the original judgment exceeds one thousand dollars, and does not exceed the sum three thousand dollars, the party or parties failing in said cause in the appellate court may take an appeal or prosecute a writ of error to the supreme court of this State: *Provided*, that if in any case heard and finally determined in any of the appellate courts, a majority of the judges of said appellate courts shall be of opinion that a case decided by them involving the sum of one thousand dollars or less involves questions of law of such importance, either on account of principal or collateral interest, that it should be passed upon by the supreme court, they may, in such cases grant appeals or writs of error to the supreme court on application of the parties to the case, or either of them, in which case the said appellate court shall certify to the supreme court the grounds of granting said appeal or writ of error.

§ 17. In case the judgment or order from which an appeal or writ of error may have been prosecuted, shall be affirmed in the appellate court, such court shall make an order affirming the same, and state briefly in writing their reasons for affirming said judgment, and in case such judgment or order shall be reversed, and the cause remanded to the court from which such appeal or writ of error shall have been taken or prosecuted for a new trial therein, said appellate court shall state briefly in writing the reasons for such reversal, and file the same with the files of the case.

§ 18. In all cases of appeal or writs of error, prosecuted or taken from any decision of any of the appellate courts to the supreme court, it shall not be necessary for the clerk of the appellate court, in which said cause was heard and determined, to make out and certify a copy of the original transcript of the record filed in the said appellate court, but it shall be sufficient for, and it is hereby made the duty of the clerk of said appellate court to transmit the original transcript of the record filed in his office, with his official certificate and seal of office authenticating the same, with a true and perfect copy of all the orders and proceedings appearing of record in said cause; which

9 said copy of the record and proceedings, duly authenticated with the seal of said court,  
10 shall be transmitted to and filed in the supreme court; and the clerk of the appellate  
11 court shall be entitled to receive from the party procuring said record and transcript,  
12 the fees allowed by law for his certificate and copy of the record, and proceedings, and  
13 he shall not be entitled to charge or receive any fee for transmitting said original tran-  
14 script, other than for his certificate and the reasonable cost of sending said transcript  
15 and record from his office, either by mail or by express to the clerk of the supreme court.  
16 That all laws or parts of laws in conflict with this act are hereby repealed.

1. Introduced by Mr. Joslyn, from Committee on Appropriations, March 20, 1879, and ordered to first reading.
2. First reading March 20, 1879, and ordered to second reading.

### A BILL

For an Act to provide for the payment of damages to lands and other property, sustained by the owners thereof, by the construction of the dam on the Little Wabash River, at New Haven in Gallatin County, Illinois.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General*

*Assembly, That a sum of money not exceeding thirteen thousand and eighty-seven dollars (\$13,087) be, and the same is hereby appropriated out of any money in the State Treasury, not otherwise appropriated, to pay the damages sustained by the owners of lands and other property on the Little Wabash river, occasioned by the construction of the dam on said river, by authority of the State of Illinois, near New Haven in Gallatin county; according to the recommendation contained in the report of the joint select committee of the two Houses of the Thirtieth General Assembly, and that said sum of money be paid as follows, to-wit.*

10	To George S. Staley	-	-	-	-	-	-	\$8,800 00
11	To Charles W. Harvey	-	-	-	-	-	-	30 00
12	To John Holderby	-	-	-	-	-	-	315 00
13	To Jasper Partridge	-	-	-	-	-	-	275 00
14	To Charles Melvine	-	-	-	-	-	-	120 00
15	To Mary J. Boyd	-	-	-	-	-	-	112 00
16	To George W. Harvey	-	-	-	-	-	-	150 00
17	To Henry Greer	-	-	-	-	-	-	240 00
18	To William Poinsett	-	-	-	-	-	-	240 00



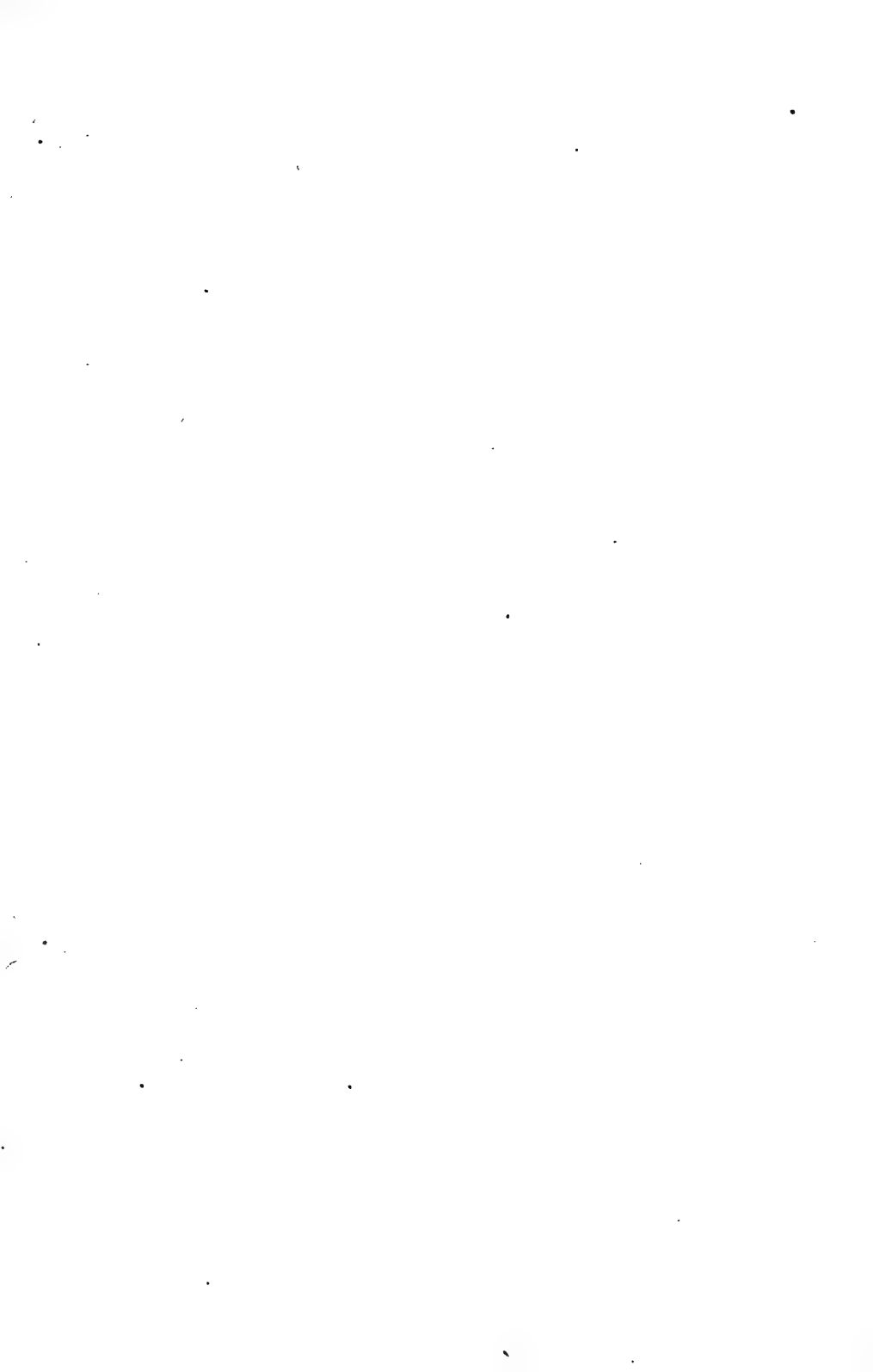
19	To Mary E. McHenry, Virginia P. Shelby, and Julia D. Shelby, heirs at-	
20	law of Matilda Shelby, deceased	\$ 765 00
21	To James Dorsey	350 00
22	To Hugh Austin	360 00
23	To Isaac N. Jaquess	150 00
24	To the heirs of John T. Jones, deceased	980 00
25	To the heirs of John Hicks, deceased	700 00

§ 2. In no case shall any portion of said sum of money, hereby appropriated, be paid for any damages upon any tract, or part of any tract of land, or to any property, unless the same is described in the report of said joint select committee as damaged by the construction of said dam; nor shall any greater sum be paid for damages on any tract, or part of tract of land, or property, than is recommended by the said committee in their said report to be paid: *Provided*, that if it shall appear to the Auditor from the record, that an error has occurred in the description of any tract or tracts of land, in said report, the damages shall be paid upon the tract or tracts which the whole record of the proceedings of said committee shows was intended to be described in said report.

§ 3. Any of the claimants mentioned in section one of this act, or their heirs or legal representatives, may make an application in writing to the Auditor of Public Accounts, for a warrant on the State Treasurer for the amount directed by this act, to be paid such claimant as damages on the tract or part of tract of land or property described in the record of the proceedings had before said committee, as being owned by such claimant; which application shall contain a description of the tract or tracts, or part of tract of land, for the damage to which said committee has recommended the payment of said several sums of money, specified in section one of this act. Such claimant, or his or her heirs or legal representatives, shall also file with the Auditor a written release under seal, and acknowledged as in case of conveyances of real estate, releasing all damages heretofore sustained, or which may be hereafter be sustained by the owner or owners of said lands or other property, occasioned by the construction, maintenance or repair said dam; such release shall describe all the lands and other property of such claimant, which were submitted to the investigation of said committee, as well those upon which said committee recommend the payment of damages, as those upon which said

16 committee refused to allow damages, and such release shall in terms and effect be a com-  
17 plete discharge to the State of Illinois, by such owner or owners, of all damages sus-  
18 tained, or hereafter to be sustained to any and all of said lands and other property; and  
19 if such release complies with the terms of this act, in form and substance, and the  
20 Auditor be satisfied as to the identity of the claimant, (or his or her heir or legal rep-  
21 resensatives who may apply) as being the person entitled to receive such sum for dam-  
22 ages, he shall draw his warrant on the State Treasurer for the amount of such damages,  
23 and deliver the same to such claimant; and the acceptance by such claimant or claim-  
24 ants, of such warrant for the sums specified, as allowed to each in section one of this  
25 act, is hereby declared to be a complete and perpetual bar to any further claims for  
26 damages, to any and all lands and other property submitted to the investigation of said  
27 committee.

§ 4. The report and the evidence taken, and the record of all proceedings had before  
2 the said joint select committee, and the papers accompanying the said report, shall be de-  
3 posited and preserved in the office of the Auditor of Public Accounts, and the same  
4 shall at all times be subject to examination and inspection, by any claimant or party  
5 interested therein.



(In House.)

1. Reported to House April 23, 1879.
2. First reading April 24, and referred to Committee on Appropriations.
3. Reported back, passage recommended, and ordered to second reading April 30, 1879.

## A BILL

For an act to provide for the payment of damages to lands and other property sustained by the owners thereof, by the construction of the dam on the Little Wabash River, at New Haven, in Gallatin county, Illinois.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General*

2	<i>Assembly, That a sum of money not exceeding thirteen thousand and eighty-seven dol-</i>					
3	<i>lars (\$13,087) be, and the same is hereby appropriated out of any money in the State</i>					
4	<i>Treasury, not otherwise appropriated, to pay the damages sustained by the owners of</i>					
5	<i>lands and other property on the Little Wabash River, occasioned by the construction of</i>					
6	<i>the dam on said river, by authority of the State of Illinois, Near New Haven, in Gallatin</i>					
7	<i>county; according to the recommendation contained in the report of the joint select</i>					
8	<i>committee of the two houses of the Thirtieth General Assembly, and that said sum of</i>					
9	<i>money be paid as follows, to-wit:</i>					
10	To George S. Staley	-	-	-	-	\$3,300 00
11	To Charles W. Harvey,	-	-	-	-	80 00
12	To John Helderby	-	-	-	-	315 00
13	To Jasper Partridge	-	-	-	-	275 00
14	To Charles Melvine	-	-	-	-	120 00
15	To Mary J. Boyd	-	-	-	-	112 00
16	To George W. Harvey	-	-	-	-	350 00

17	To Henry Greer	-	-	-	-	-	-	240 00
18	To William Poinsett	-	-	-	-	-	-	240 00
19	To Mary E. McHenry, Virginia P. Shelby, and Julia D. Shelby, heirs at							
20	law of Matilda Shelby, deceased	-	-	-	-	-	-	\$ 765 00
21	To James Dorsey	-	-	-	-	-	-	350 00
22	To Hugh Austin	-	-	-	-	-	-	360 00
23	To Isaac N. Jaques	-	-	-	-	-	-	150 00
24	To the heirs of John T. Jones, deceased	-	-	-	-	-	-	980 00
25	To the heirs of John Hicks, deceased	-	-	-	-	-	-	700 00

§ 2. In no case shall any portion of said sum of money, hereby appropriated, be paid for any damages upon any tract, or part of any tract of land, or to any property, unless the same is described in the report of said joint select committee as damaged by the construction of said dam; nor shall any greater sum be paid for damages on any tract, or part of tract of land, or property, than is recommended by the said committee in their said report to be paid: *Provided*, that it it shall appear to the Auditor from the record, that an error has occurred in the description of any tract or tracts of land, in said report, the damages shall be paid upon the tract or tracts which the whole record of the proceedings of said committee shows was intended to be described in said report.

§ 3. Any of the claimants mentioned in section one of this act; or their heirs or legal representatives, may make an application in writing to the Auditor of Public Accounts, for a warrant on the State Treasurer for the amount directed by this act, to be paid such claimant as damages on the tract or part of tract of land or property described in the record of the proceedings had before said committee, as being owned by such claimant; which application shall contain a description of the tract or tracts, or part of tract of land, for the damage to which said committee has recommended the payment of said several sums of money, specified in section one of this act. Such claimant, or his or her heirs or legal representatives, shall also file with the Auditor a written release under seal, and acknowledged as in case of conveyances of real estate, releasing all damages heretofore sustained, or which may be hereafter sustained by the owner or owners of said lands or other property, occasioned by the construction, maintenance or repair of said dam; such release shall describe all the lands and other property of such claim-

14 ant, which were submitted to the investigation of said committee, as well as those upon  
15 which said committee recommend the payment of damages, as those upon which said  
16 committee refused to allow damages, and such release shall, in terms and effect, be a  
17 complete discharge to the State of Illinois, by such owner or owners, of all damages  
18 sustained, or hereafter to be sustained, to any and all of said lands and other property;  
19 and if such release complies with the terms of this act, in form and substance, and the  
20 Auditor be satisfied as to the identity of the claimant (or his or her heir or legal rep-  
21 resentatives who may apply) as being the person entitled to receive such sum for dam-  
22 ages, he shall draw his warrant on the State Treasurer for the amount of such damages,  
23 and deliver the same to such claimant; and the acceptance by such claimant or claim-  
24 ants of such warrant for the sums specified, as allowed to each in section one of this  
25 act, is hereby declared to be a complete and perpetual bar to any further claims for  
26 damages to any and all lands and other property submitted to the investigation of said  
27 committee.

§ 4. The report and the evidence taken, and the record of all proceedings had  
2 before the said joint select committee, and the papers accompanying the said report,  
3 shall be deposited and preserved in the office of the Auditor of Public Accounts, and  
4 the same shall at all times be subject to examination and inspection by any claimant or  
5 party interested therein.



(In House.)

1. Reported to House April 23, 1879.
2. First reading April 28, and referred to Committee on Appropriations.
3. Reported back, passage recommended, and ordered to second reading April 30.
4. May 8, temporarily postponed.
5. Second reading, amended, and ordered to third reading May 21.

Amendment to Senate Bill No. 433, offered and adopted May 20, 1879.

Amend the title so as to read as follows: "A bill for an act to provide for the payment of damages to lands and other property sustained by the owners thereof, by the construction of the dam on the Little Wabash river, at New Haven, in Gallatin county, Illinois, and by the construction of the dam on the Illinois river, near Henry, in Marshall county, Illinois."

W. B. TAYLOR, Clerk.

That a sum not exceeding twenty-nine thousand five hundred and ninety five dollars (\$29,595) be, and the same is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the damages sustained by the owners of lands and other property, on the Illinois river, occasioned by the construction of the lock and dam near Henry, on said river, by the authority of the State of Illinois, according to the recommendation contained in the report of the joint select committee of the two Houses of the thirtieth General Assembly, and that said sum of money be paid as follows, to-wit:

NAMES.	AMOUNT.
To Jacob and Nicholas Lucinger	\$290 00
To Joseph Lanktree	1,320 00
To George M. Lanktree	400 00
To John Masters	120 00
To Brown Smith	585 00
To Charles Knapp	180 00



NAMES.	AMOUNT.
To Jacob Wasson	\$325 00
To John L. McCormick	200 00
To Atherton Clark	600 00
To Miles E. Wheeler	270 00
To Noah Hackman	460 00
To Harriet Newell	120 00
To John Schier	100 00
To John Frey	80 00
To Nicholas Bease	150 00
To Elizabeth Huffman	54 00
To Henry Hunter	490 00
To Dwight E. Morgan	320 00
To heirs, at law, of Isabella Myers deceased, and Harriet A. C. Talbot	640 00
To William Wough	365 00
To Addison Mullin	153 00
To Frederick Liebold	120 00
To James T. Johnson	480 00
To John Lehman	60 00
To Ruben Bishop	840 00
To Alvin Perkins	510 00
To Otto Halblibe	459 00
To heirs of Samuel B. Wharton, deceased	90 00
To Paul Cramer	60 00
To Phillip R. Bohlen	160 00
To Charles Coleman	123 00
To Samuel H. Smith	128 00
To J. Henry Hasler	195 00
To James R. Taliaferro	160 00
To heirs of Courtland R. Condit, deceased	250 00
To Michael Maurer	246 00
To Sophia Waters	92 00
To heirs of Joshua B. Simpson, deceased	180 00
To L. C. Rousseau	80 00

NAMES.	AMOUNT.
To Amos T. Purviance	\$180 00
To James S. Tafflemire	440 00
To Leland Broaddus	240 00
To Alexander Hoagland	40 00
To the heirs of Guy W. Pool, deceased	480 00
To John Locke	150 00
To Stephen G. Worley	120 00
To Isaac C. Goff	90 00
To Hiram C. Wright	80 00
To Anthony Reavey	705 00
To Robert Davis	680 00
To Ezra J. and George W. Townley	302 00
To Philip H. Green	910 00
To Richard Lloyd	2,069 00
To Bolivar Morgan	140 00
To Melinda Morgan	25 00
To Bolivar and Emmet Morgan	75 00
To heirs of Alanson Morgan, deceased	60 00
To John G. Baker	294 00
To Clark J. Townley	105 00
To the heirs of James Dennis	70 00
To James M. Robertson	200 00
To William Scott Robertson	80 00
To Jacob Barnhardt	50 00
To William Q. and Frank T. Smith	160 00
To William Q. and P. J. Smith	120 00
To Benjamin Newall	114 00
To William Q. Smith	355 00
To David S. Miller	4,180 00
To Martin Bunchbaugh	80 00
To William Allen	1,900 00
To heirs of William Shields	682 00
To Timothy Wood	880 00

NAMES.	AMOUNT.
To George Sparling.....	\$821 00
To Hannah Locke.....	78 00
To Patrick Dore.....	560 00
To Henry Hassler.....	220 00
To Hiram W. White.....	565 00

1. Introduced by Mr. Hunt from Judiciary Committee March 20, 1879, and ordered to first reading.
2. First reading March 22, 1879, and ordered to second reading.

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## A BILL

For an act to exempt certain personal property from attachment and sale on execution, and from distress for rent.

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SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General*

*Assembly, That the following articles of personal property owned by the debtor, shall be exempt from execution, writ of attachment, and distress for rent, viz :*

*First.—The necessary wearing apparel of every person.*

*Second.—One sewing machine.*

*Third.—The furniture, tools and implements of any person necessary to carry on his or her trade or business, not exceeding in value \$100.*

*Fourth.—Materials and stock designed and procured by him or her, and necessary for carrying on his or her trade and business, and intended to be used or wrought therein, not exceeding \$150 in value.*

*Fifth.—The implements or library of any professional person, not exceeding \$100 in value.*

*And in addition to the above property when the debtor is the head of a family and resides with the same, the following :*

*First.—Necessary beds, bedsteads and bedding, two stoves and pipe.*

*Second.—Necessary household furniture, not exceeding in value \$100.*

*Third.—One cow and calf, and two swine.*

18 Fourth.—One yoke of oxen or two horses in lieu thereof, used by the debtor in  
19 obtaining the support of his family, not exceeding in value \$200, and the harness there-  
20 for, not exceeding in value \$40.

21 Fifth.—Necessary provisions and fuel for the use of the family for three months, and  
22 necessary food for the stock, hereinbefore exempted, for the same time.

23 Sixth.—The bibles, school books and family pictures.

24 Seventh.—The family library.

25 Eighth.—Cemetery lots or rights of burial, and tombs for repositories for the dead.

26 Ninth.—One hundred dollars' worth of other property, suited to his or her condition  
27 in life, selected by the debtor: *Provided*, that such selection and exemption shall not be  
28 made by the debtor or allowed to him or her from any money due him or her from any  
29 person or persons or corporation whatever.

§ 2. Such personal property shall continue so exempt while the family of such per-  
3 son or any of them are removing from one place of residence to another in this State,  
4 but shall not be exempt when being moved out of the State.

§ 3. When the head of a family shall die, desert, or not reside with the same, the  
2 family shall be entitled to and receive all the benefits and privileges which are in  
3 this act conferred upon the head of a family residing with the same.

§ 4. None of the personal property named in this act shall be exempted from levy of  
2 attachment or execution, when the debt or judgment is for the wages of any laborer or  
3 servant: *Provided*, the court rendering judgment shall find that the demand so  
4 sued for is for wages due such person as laborer or servant, which finding shall be  
5 expressed in the record of such judgment, and indorsed upon the execution when  
6 issued.

§ 5. If any officer, by virtue of any execution or other process, or any other person,  
2 by any right of distress, shall take or seize any of the articles of property hereinbefore  
3 exempted from levy or sale, such officer or person shall be liable to the party injured  
4 for double the value of the property so illegally taken or seized, to be recovered by  
5 action of trespass, with costs of suit.

§ 6. The act entitled "An Act to exempt certain personal property from attachment  
2 and sale on execution, and from distress for rent," approved May 24th, 1877, and in  
3 force July 1st, 1877, and all other acts and parts of acts inconsistent with the provisions

4 of this act, are hereby repealed. But this section shall not be construed so as to affect  
5 any rights that may have accrued, or any suits or proceedings that may be pending  
6 when this act shall take effect.



1. Introduced by Mr. Munn, March 20, and ordered to first reading.
2. First reading March 22, and referred to Committee on Military Affairs.
3. April 10, reported back, passage recommended and ordered to second reading.

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## A BILL

For an act to permit counties to provide, by taxation, for Arsenal, Armories and  
Encampments for the organized Militia in such counties.

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SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General*

2 *Assembly,* That the county board of any county in this State, on the petition of fifty or  
3 more legal voters of such county, shall cause to be submitted to the electors thereof, at  
4 the next county election which occurs after the date of such petition, the question whether  
5 a tax shall be levied for military purposes, as hereinafter designated, by ballot, written  
6 or printed, or partly written and partly printed, "For military tax," or, "Against mil-  
7 itary tax," to be canvassed and returned in like manner as votes for county officers.

§ 2. If it shall appear by the returns of such election that a majority of the votes  
2 cast on this subject are "For military tax," then, the county board of such county shall  
3 levy and collect an annual tax, not exceeding one-tenth of a mill on each dollar, on all  
4 the taxable property in said county; which tax shall be appropriated exclusively to the  
5 provision, within the said county, of arsenals, armories and encampments for the organ-  
6 ized militia of the State, either by purchase, erection or lease: *Provided,* that the per-  
7 manent occupation of such arsenals, armories or encampments shall be restricted to  
8 troops organized, according to law, within the said county; and that the temporary



9 occupation thereof for troops organized without the said county shall only be granted  
10 on the requisition of the Commander-in-Chief; and that, in all cases, the troops per-  
11 manently or temporarily quartered therein shall be subject to the laws and regulations  
12 then in force for their discipline and control.

§ 3. The county board of any county collecting a tax as provided in this bill, shall,  
2 on the requisition of the commanding officer of the militia in said county, designate  
3 the armory, arsenal or encampment which shall be occupied by any body of troops  
4 within said county, and organized therein according to the provisions of the militia  
5 law of the State.

1. Introduced by Mr. Munn, March 20, 1879, and ordered to first reading.
2. First reading March 22, and referred to Committee on Military Affairs.
3. April 10, reported back, passage recommended and ordered to second reading.
4. May 16, second reading, amended and ordered to third reading.

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## A BILL

For an Act to permit Counties to provide, by taxation, for Arsenals, Armories and Encampments for the organized Militia in such Counties.

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SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General*

Assembly, That the county board of any county in this State, on the petition of three hundred or more legal voters of such county, shall cause to be submitted to the electors thereof, at the next county election which occurs after the date of such petition, the question whether a tax shall be levied for military purposes, as hereinafter designated, by ballot, written or printed, or partly written and partly printed, "For military tax," or "Against military tax," to be canvassed and returned in like manner as votes for county officers.

§ 2. If it shall appear by the returns of such election that a majority of the votes cast on this subject are "For military tax," then the county board of such county shall levy and collect an annual tax, not exceeding one-tenth of a mill on each dollar, on all the taxable property in said county, which tax shall be appropriated exclusively to the provision, within the said county, of arsenals, armories and encampments for the organized militia of the State, either by purchase, erection or lease: *Provided*, that the permanent occupation of such arsenals, armories or encampments shall be restricted to troops organized, according to law, within the said county; and that the temporary occupation thereof for troops organized without the said county, shall only be granted

2  
10 on the requisition of the commander-in-chief; and that, in all cases, the troops perma-  
11 nently or temporarily quartered therein shall be subject to the laws and regulations then  
12 in force for their discipline and control.

§ 3. The county board of any county collecting a tax as provided in this bill, shall,  
1 on the requisition of the commanding officer of the militia in said county, designate the  
2 armory, arsenal or encampment which shall be occupied by any body of troops within  
3 said county, and organized therein according to the provisions of the militia law of the  
4 State.

1. Introduced by Mr. Kuykendall March 20, 1879, and ordered to first reading.
2. First reading March 22, and referred to Committee on Fees and Salaries.
2. Reported back, passage recommended and ordered to second reading April 18.

## A BILL

For an act to fix the number of clerks and employes and their salaries, in the executive department of this State.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General*

2 *Assembly, That the number of clerks and employes and their salaries in the several de-*  
3 *partments of this State shall be as follows:*

4 *In the Executive department—*

5 One private secretary of the Governor, per annum.....	\$1,800
6 One executive clerk, per annum.....	1,000
7 One page, per annum.....	200
8 One janitor, per annum.....	500

9 *In the State department—*

10 One chief clerk and cashier, per annum.....	1,800
11 One corporation clerk, per annum.....	1,500
12 One commission and recording clerk, per annum.....	1,500
13 Four other clerks, each, per annum.....	1,000
14 Three other clerks, each, per annum.....	800
15 One night watchman, per annum.....	720

16 *For police, watch and other service in care of the Capitol under the direction of the*  
17 *Secretary of State:*

18 One chief night watchman, per annum.....	\$800
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19	One night watchman, per annum .....	500
20	One day watchman, per annum .....	700
21	Three janitors, each, per annum .....	600
22	One clerk, in care of museum, per annum .....	500
23	Two passport men, each, per annum .....	600
24	And such number of firemen as may be actually required, at the rate of \$600 per annum	
25	In the department of Auditor of Public Accounts—	
26	One chief clerk, per annum .....	\$2,000
27	One warrant clerk, per annum .....	1,400
28	Three other clerks, each, per annum .....	1,200
29	One messenger and clerk, per annum .....	800
30	One janitor, per annum .....	600
31	In the department of State Treasurer—	
32	Two clerks, each, per annum .....	\$1,500
33	Two night watchman, each, per annum .....	500
34	One day watchman and clerk, per annum .....	800
35	One janitor and messenger, per annum .....	800
36	In the department of the Attorney-General—	
37	One chief clerk, per annum .....	\$1,800
38	One janitor and messenger, per annum .....	600
39	In the department of Superintendent of Public Instruction	
40	One chief clerk, per annum .....	\$1,800
41	One messenger and clerk, per annum .....	500
42	One janitor, per annum .....	600

§ 2. Each of the foregoing departments shall cause to be made up monthly a pay roll containing the names of the several clerks and employees therein, as herein authorized, with the amount due to each for the month for which it is made out, certified by the head of the department to be correct and true, and the State Treasurer shall pay monthly all persons so certified to him, taking the receipt of each therefor, which shall be a sufficient voucher for the payment of the same.

1. Introduced by Mr. Fuller March 20, and ordered to first reading.
2. First reading March 22, and referred to Committee on Municipalities.
3. Reported back April 3, with recommendation it be ordered to second reading; so ordered.

## A BILL

For an act to amend section eighteen (18) of an act entitled "An act in regard to judgments and decrees, and the manner of enforcing the same by execution, and to provide for the redemption of real estate sold under execution or decree," approved March 22, 1872, (as amended by act approved April 29, 1873, and in force July 1, 1873), and also to amend sections twenty (20) and twenty-one (21) of said act, approved March 22, 1872.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That section eighteen (18) of an act entitled "An act in regard to judgments and decrees, and the manner of enforcing the same by execution, and to provide for the redemption of real estate sold under execution or decree," approved March 22, 1872, (as amended by act approved April 29, 1873, and in force July 1, 1873, and also sections twenty (20) and twenty-one (21) of said act approved March 22, 1872, be and the same are hereby amended so as to read, respectively, as follows, to-wit:

§ 18. Any defendant, his heirs, administrators, assigns, or any person interested in the premises through or under the defendant, may, within twelve months of said sale, redeem the real estate so sold, by paying to the purchaser thereof, his executors, administrators or assigns, or to the sheriff, or master in chancery, or other officer who sold the same, or his successor in office, for the benefit of such purchaser, his executors, administrators or assigns, the sum of money for which the premises were sold or bid off, with interest thereon at the rate of eight per centum, from the time of such sale, whereupon such sale and certificate shall be null and void.

§ 20. If such redemption is not made, any decree or judgment creditor, his ex-  
 2 ecutors, administrators or assigns, may, after the expiration of twelve months and within  
 3 fifteen months after the sale, redeem the premises in the following manner: Such cred-  
 4 itor, his executors, administrators or assigns, may sue out an execution upon his judg-  
 5 ment or decree, and place the same in the hands of the sheriff, or other proper officer,  
 6 to execute the same, who shall indorse upon the back thereof a levy of the premises  
 7 desired to be redeemed; and the person desiring to make such redemption shall pay to  
 8 such officer the amount for which the premises to be redeemed was sold, with interest  
 9 thereon at the rate of eight per centum per annum, from the date of the sale, for the use  
 10 of the purchaser of such premises, his executors, administrators or assigns; whereupon  
 11 such officer shall make and file in the office of the recorder of the county in which the  
 12 premises are situated a certificate of such redemption, and shall advertise and offer the  
 13 premises for sale under said execution, as in other cases of sale on execution.

§ 21. The creditors, his executors, administrators or assignees, having so redeemed,  
 2 shall be considered as having bid at such sale the amount of the redemption money, so  
 3 paid by him, with interest thereon at the rate of eight per centum per annum, from the  
 4 date of such redemption to the date of sale, with the costs of such redemption and sale;  
 5 and if no greater amount is bid at such sale, the premises shall be struck off to the per-  
 6 son making such redemption, and the officer shall forthwith execute a deed of the  
 7 premises to him, and no other redemption shall be allowed.

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1. Introduced by Mr. McDowell, March 20, 1879, and ordered to first reading.
  2. First reading March 20, 1879, and referred to Committee on Judiciary.
  3. Reported back March 21, 1879, recommendation it be ordered to second reading.  
So ordered.

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### **A BILL**

For an act to amend section one of an act entitled "An Act to exempt certain personal property from attachment and sale on execution, and from distress for rent," approved May 24, 1877, in force July 1, 1877.

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SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That section one of an act entitled "An Act to exempt certain personal property from attachment and sale on execution, and from distress for rent," be amended so as to read as follows:

SECTION 1. That the following personal property owned by the debtor shall be exempt from execution, writ of attachment and distress for rent, viz: *First*, the necessary wearing apparel, bibles, school books and family pictures of every person; and *second*, one hundred dollars' worth of other property, to be selected by the debtor; and in addition, when the debtor is the head of a family, and resides with the same, three hundred dollars' worth of other property, selected by the debtor: *Provided*, that such personal property shall continue so exempt only while the family of such person, or any of them, are removing from place of residence to another in this State.





## Substitute for Bill No. 20.

1. Introduced by Mr. Bonfield, from Committee on Judicial Department, March 21, 1879, and ordered to first reading.
2. First reading March 21, 1879, and ordered to second reading.

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**A BILL**

For an act to amend sections twelve (12), thirty-six (36), thirty-eight (38), forty-nine (49), fifty-one (51) and seventy-five (75) of an act entitled "An Act to extend the jurisdiction of county courts, and to provide for the practice thereof, to fix the time of holding the same and to repeal a certain act therein named," approved March 26, 1874.

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**SECTION 1.** *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That sections twelve (12), thirty-six (36), thirty-eight (38), forty-nine (49), fifty-one (51) and seventy-five (75) of an act entitled "An Act to extend the jurisdiction of county courts, and to provide for the practice thereof, to fix the time for holding the same and to repeal an act therein named," approved March 26, 1874, be and the same are hereby amended so as to read as follows, viz :

§ 12. Boone, in March, July and December.

§ 36. Franklin, in February and August.

§ 38. Gallatin, in April and November.

§ 49. Jefferson, on the third Mondays of March and September.

§ 51. Jo Daviess, in April, September and December.

§ 75. Monroe, in January and June.



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Substitute for Bill No. 20.

1. Introduced by Mr. Bonfield, from Committee on Judicial Department, March 21, 1879, and ordered to first reading.
2. First reading March 21, 1879, and ordered to second reading.
3. April 7, second reading, recommended and ordered to third reading.

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A BILL

For an act to amend sections twelve (12), thirty-six (36), thirty-eight (38), forty-five (45), forty-nine (49), fifty-one (51) and seventy-five (75) of an act entitled "An act to extend the jurisdiction of county courts and to provide for the practice thereof, to fix the time of holding the same and to repeal a certain act therein named," approved March 26, 1874, as amended by act in force July 1, 1875.

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SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That sections twelve (12), thirty-six (36), thirty-eight (38), forty-five (45), forty-nine (49), fifty-one (51) and seventy-five (75) of an act entitled "An act to extend the jurisdiction of county courts and to provide for the practice thereof, to fix the time for holding the same, and to repeal an act therein named," approved March 26, 1874, be and the same are hereby amended so as to read as followed, viz.:*

SECTION 12. Boone in March, June and December.

SECTION 36. Franklin on the third Mondays of February and August.

SECTION 38. Gallatin on the third Mondays of April and November.

SECTION 45. Henry in April, August and December.

**SECTION 49.** Jefferson on the third Mondays of March and September.

**SECTION 51.** Jo Davies in April, December and on the third Monday of September.

**SECTION 75.** Monroe in January and June.

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(In House.)

1. Reported to House April 16, 1879.
2. First reading April 19, and referred to Committee on Judicial Department.
3. Reported back, passage recommended, and ordered to second reading April 24, 1879.

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**A BILL**

For an act to amend sections twelve (12), thirty-six (36), thirty-eight (38), forty-five (45), forty-nine (49), fifty-one (51) and seventy-five (75) of an act entitled "An Act to extend the jurisdiction of county courts, and to provide for the practice thereof, to fix the time of holding the same and to repeal a certain act therein named," approved March 26, 1874, as amended by act in force July 1, 1875.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly,* That sections twelve (12), thirty-six (36), thirty-eight (38), forty-five (45) forty-nine (49), fifty-one (51) and seventy-five (75) of an act entitled "An Act to extend the jurisdiction of county courts, and to provide for the practice thereof, to fix the time for holding the same and to repeal an act therein named," approved March 26, 1874, be and the same are hereby amended so as to read as follows, viz:

§ 12. Boone, in March, July and December.

§ 36. Franklin, on the third Mondays of February and August.

§ 38. Gallatin, on the third Mondays of April and November.

§ 45. Henry, in April, August and December.

§ 49. Jefferson, on the third Mondays of March and September.

§ 51. Jo Daviess, in April, December, and on the third Monday of September.

§ 75. Monroe, in January and June.



1. Introduced by Mr. Lewis, March 21, 1879, and ordered to first reading.
2. First reading March 22, and referred to Committee on Railroads.
3. Reported back, passage recommended, and ordered to second reading April 18th.

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## A BILL

For an act to prescribe the mode in which railroad companies or corporations may execute and acknowledge mortgages and trust deeds, and to permit such bodies to mortgage chattles for periods longer than two years.

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SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That any company or corporation, owning any railroad in the State or any interest in such railroad, desiring to borrow money for any purpose for which money may be lawfully borrowed by railroad corporations, and to secure the same by mortgage or deed of trust on the railroad property, real or personal, and franchises of such company or corporation, may execute such mortgage or trust deed in the manner following: The president, vice-president, or other acting chief executive officer of such corporations shall sign the name of such corporation to such instrument, and the secretary shall affix thereto the seal of such corporation or company; and the president or vice-president, or acting chief executive officer of such company, shall acknowledge the execution of such mortgage or deed of trust, before any officer authorized to take the acknowledgment of deeds of conveyance of lands lying within this State, whether such officer shall reside within this State or without the same. And when such mortgage or deed of trust shall have been so executed and acknowledged, the same may be recorded in each county through or into which the line so mortgaged shall run; and also in each county wherein the personal property, embraced in such instrument, shall be kept or used. And such mortgage or trust deed, when so executed, acknowledged and recorded shall, if made in good



19 faith, be good and valid as to all the franchises and property, real and  
20 personal, described therein, until the debt secured thereby, shall be fully  
21 paid, although the indebtedness secured by such instrument, shall not mature  
22 for a longer period than two years: *Provided, however,* that if such mort-  
23 gage shall embrace only rolling stock, equipments or other personal property, then the  
24 same need only be recorded in the county or counties in which such rolling stock  
25 equipments or personal property is commonly kept or used. *Provided, also,* that if the  
26 debt secured by such mortgage shall not be paid at the time when the same shall be-  
27 come due, and the mortgagee or his assignees shall not take possession of the personal  
28 property embraced in such mortgage as soon as reasonably possible after such default,  
29 then such mortgage shall cease to be a lien as against all persons but the mortgagor.  
30 *Provided, also,* that nothing herein contained, shall authorize the execution of such  
31 mortgage without the consent of the proportion of shareholders of such company, now  
32 required by law, to be given in the manner now prescribed by law.

1. Introduced by Mr. Kuykendall March 21, 1879, and ordered to first reading.
2. First reading March 22, and referred to Committee on Fees and Salaries.
3. Reported back, passage recommended and ordered to second reading April 18.

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## A BILL

For an Act to fix the compensation and salaries of the officers, teachers and employes of the Illinois State Normal University, and the Southern Illinois Normal University.

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- SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General*
- 2 *Assembly, That the compensation and salaries of the officers, teachers and employes of*
- 3 *the Illinois State Normal University, and the Southern Normal University, shall be*
- 4 *uniform, and as follows for each University :*
- 5     One president, per annum, \$2,500.00; five teachers, each, per annum, \$1,500.00; three
- 6 teachers, each, per annum, \$800.00; three teachers, each, per annum, \$500.00; one
- 7 principal of high school, per annum, \$1,200.00; one janitor, per annum, \$400.00; one
- 8 engineer, per month, \$50.00.



1. Introduced by Mr. Merritt March 21, 1879, and ordered to first reading.
2. First reading March 22, 1879, and ordered to second reading.

## A BILL

For an act to amend an act entitled "An Act for the assessment of property and for the levy and collection of taxes," approved March 30, 1872.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General*

2 *Assembly, That section forty-eight of said act be amended to read as follows:*

SECTION 48. At the same time that the lists or schedules are hereinbefore required

2 to be returned to the county clerks, the person, company or corporation running, oper-  
3 ating or constructing any railroad in this State, shall return to the Auditor of Public  
4 Accounts sworn statements or schedules, as follows:

5 First.—Of the property denominated "railroad track," giving the length of the main  
6 and side or second tracks and turn outs, and showing the proportions in each county,  
7 and the total in the State.

8 Second.—The "rolling stock," giving the length of the main track in each county,  
9 the total in this State, and the entire length of the road.

10 Third.—Showing the number of ties in track per mile, the weight of iron or steel per  
11 yard, used in main and side tracks; what joints or chains are used in track, the bal-  
12 lasting of road, whether gravel or dirt, the number and quality of buildings or other  
13 structures on "railroad track," the length of time iron in track has been used, and the  
14 length of time the road has been built.

15 Fourth.—A statement or schedule showing: 1st. The amount of capital stock  
16 authorized, and the number of shares into which such capital stock is divided. 2d.

17 The amount of capital stock paid up. 3d. The market value, or if no market value,  
 18 then the actual value of the shares of stock. 4th. The total amount of all indebted-  
 19 ness, except for current expenses for operating the road. 5th. The total listed valua-  
 20 tion of all its tangible property in this State.

21 Fifth.—A statement or schedule showing: 1st. The total gross earnings or income  
 22 of the road within the State of Illinois for the year ending on the 31st day of Decem-  
 23 ber then next preceding. 2d. All the expenses incurred in operating and maintaining  
 24 the road and the equipment thereof in the State of Illinois during the same time, in-  
 25 cluding amounts paid for salaries of officers and agents, and wages of employes, amounts  
 26 paid for repairs and renewal of track, fences, bridges and buildings, locomotives and  
 27 cars, shop machinery and tools, office, shop and train supplies, attorneys' fees, costs of  
 28 suits, taxes, injuries to passengers and other persons, damages to and losses of freight  
 29 and baggage, injuries to cattle and stock, injuries to property by fire, and all other  
 30 operating expenses necessary to be shown in order to determine the net earnings or  
 31 income of the road. 3d. The amount of net earnings or income. 4th. The amount  
 32 expended in this State during the same time in purchase of real estate, lands and lots,  
 33 and for improvements and betterments thereon, for construction of depots, shops, and  
 34 other buildings, principal and interest on bonds and indebtedness, dividends on stock,  
 35 purchase of other lines of road, construction of new track, and all other expenses not  
 36 properly chargeable as operating expenses.

§ 2. That section 100 of said act be amended to read as follows:

SECTION 100. The Governor, Secretary of State, Auditor of Public Accounts, Treas-  
 2 urer and Attorney-General of the State of Illinois shall be, ex-officio, a State board of  
 3 equalization, any four of whom shall constitute a quorum for the transaction of busi-  
 4 ness; and said board shall succeed to all the powers, duties and authority of the pres-  
 5 ent State board of equalization, from and after the first day of July next.

§ 3. That section 103 of said act be amended to read as follows:

SECTION 103. Said board shall assemble at the State capitol on the first Monday in  
 2 July, annually, and organize by selecting one of their number as chairman, and shall  
 3 appoint a competent person as secretary. The secretary shall take the oath of office  
 4 prescribed by the constitution. The board may adjourn from time to time until all its

5 business shall be disposed of, and special meetings may be called at any time by the  
6 chairman or any three members.

§ 4. That section 105 of said act be amended to read as follows:

SECTION 105. Said board shall examine the abstracts of property assessed for tax-  
2 tion in the several counties in this State, as returned to the Auditor, and shall equalize  
3 the assessments as hereinafter provided, but said board shall not reduce the aggregate  
4 assessed valuation in the State; neither shall it increase said aggregate valuation, ex-  
5 cept in such amount as may be reasonably necessary to a just equalization, and not ex-  
6 ceeding one per cent on such aggregate assessed valuation; but this rule shall not apply  
7 to railroad property.

§ 5. That between sections 109 and 110 of said act the following section be inserted  
2 and numbered section 109½, and read as follows:

SECTION 109½. The valuation and assessment of the capital stock, including the fran-  
2 chise of railroad companies shall be determined by said board, in the manner following,  
3 viz: The net annual earnings or income of each railroad company shall be taken as  
4 being a certain per centage on the actual value of the property, and franchises repre-  
5 sented by the capital stock thereof; the actual rate of such per centage shall be fixed  
6 upon, and the principal sum which would produce the amount of such net earnings or  
7 income, at such rate per cent. shall be held to be the true cash value of such capital  
8 stock: *Provided*, that the same rate per cent. shall apply to each and every railroad  
9 company, for the same year's valuation and assessment. The valuation so found shall be  
10 taken as the assessed valuation of the capital stock, and the same shall be equalized by  
11 the board and distributed to the several counties, towns, cities, villages and districts, in  
12 the same manner now provided by law.

§ 6. That section 116 of said act be amended to read as follows:

SECTION 116. The Secretary of State shall furnish such rooms, printing, fuel, lights,  
2 stationery and postage as may be necessary for the transaction of the business of said  
3 board. The said board may employ such clerks and others, as the transactions of its  
4 business may require, and shall fix and determine the compensation of the Secretary,  
5 clerks and employees at just and reasonable rates. The pay allowed the Secretary,  
6 clerks and employees, shall be certified by the chairman of the board to the Auditor of  
7 Public Accounts, who shall issue warrants on the State Treasury therefor.

§ 7. That sections 101 and 102 of "An act for the assessment of property, and for  
2 the levy and collection of taxes," approved March 30, 1872, and also all laws and parts  
3 of laws inconsistent with the provisions of this act, be and the same are hereby re-  
4 pealed.

1. Introduced by Mr. Ford March 22, 1879, and ordered to first reading.
2. First reading March 22, 1879, and referred to Committee on State Charitable Institutions.
3. Reported back, passage recommended, and ordered to second reading March 28, 1879.

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## A BILL

For an act to revise the law in relation to the commitment and detention of lunatics.

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SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General*

2 *Assembly,* That persons legally adjudged to be insane, lunatic or distracted, may be re-  
3 ceived and detained in hospitals or asylums for the insane, owned and controlled either  
4 by the State, by any county, or by any individual or corporation, but only upon the  
5 terms and conditions hereinafter provided.

§ 2. No insane person residing in this State, shall be deprived of his liberty except  
2 by the order of a court, after a proper medical investigation of the case.

§ 3. Every person alleged to be insane, or any relative or friend acting in his behalf  
2 shall, at any stage of the examination into his sanity, have the right to demand that  
3 the question be tried by a jury: *Provided,* that this section shall not apply to convicts  
4 under sentence for crime, and serving a term of imprisonment in either of the State  
5 penitentiaries.

§ 4. In case any resident of this State shall be, or be supposed to be, insane or dis-  
2 tracted, application may be made in his behalf, by any respectable citizen, to the judge  
3 of the circuit or county court, in and for the county in which he resides, for a judicial  
4 inquiry as to his mental condition and for an order of commitment to some hospital or  
5 asylum for the insane. The application aforesaid, shall be in writing, and shall specify  
6 whether or not a trial by jury is desired by the applicant.



§ 5. On receipt of said petition, the judge to whom the same may be addressed shall, unless a jury trial is demanded, appoint two physicians of good repute for medical skill and moral integrity, residents of the county, to visit and examine the person alleged to be insane: *Provided*, that no person shall be appointed to make such inquest who does not possess the qualifications required by "An act to regulate the practice of medicine in the State of Illinois," approved May 29, 1877: *And, provided, further*, that it shall not be lawful for any physician to certify to the insanity of any person, for the purpose of committing him to an asylum of which the said physician is either the superintendent, proprietor, an officer, or a regular professional attendant therein.

§ 6. The examining physicians appointed by the court shall, without unnecessary delay, proceed, singly or together, to the residence of the person supposed to be insane, and shall, by personal investigation and inquiry, satisfy themselves fully as to his condition, and report the result of their examination to the court under oath. Said report may be in substance as follows:

STATE OF ILLINOIS,        }  
County of                }

We,                    and                   , whose names are herenunto appended, practicing physicians, residing in the State and county aforesaid, having been appointed by the                    court, of said county and State, to make a medical examination of                    , supposed to be insane, and having made such examination, do hereby certify that we find the said                    , to be (or not to be) insane, and a proper subject for care and treatment in a hospital or asylum for the insane. This opinion is founded on the following grounds, viz: (Here insert facts upon which such opinion is based). To the best of our knowledge and belief, the following is a correct history of the case:

Name,                    ; residence,                    , county,                    ; aged,                    ; born in                    ; has been for                    years a resident of this state; married, single, or widowed,                    ; duration of disease,                    ; supposed cause,                    ; education,                    ; religion,                    ; number of attack,                    ; date and duration of former attacks,                    ; form of disease,                    ; complications,                    ; natural disposition,                    ; intemperate,                    ; uses tobacco,                    ; habits before attack,                    ; general health do.,                    ; business or domestic cares,                    ; domestic relations,                    ; old wounds or injuries,                    ; recent do.,                    ; epileptic,                    ; violent,                    ; destructive,                    ; homicidal,                    ;

24    tidal,                    ; suicidal,                    ; noisy,                    ; what delusions or hallucinations,  
25                    ; tidy or filthy,                    ; depressed or excited,                    ; exposed to contagious  
27    diseases,                    ; condition of bowels,                    ; sleep,                    ; appetite,                    ;  
27    general health at present time,                    ; what relations have been insane.

#### FEMALE CASES.

28 Condition of menses, ; number of labors, ; natural or complicated,  
29 ; age of youngest child, ; what female complaints, if any, ;  
30 hysterical, ; other abnormal nervous conditions, .  
31 [Signed] . M. D.  
32 M. D.

33 Subscribed and sworn to before me, this day of 18 .  
34 [Signed]

§ 7. Upon receipt of the report of the examining physicians, the judge may, if no demand shall have been made for a jury, make and enter of record his order of commitment to some hospital or asylum; or, if not fully satisfied, he may make such additional investigation of the case as may seem to him to be necessary or proper.

§ 8. The order of commitment shall be attached to the report of the physicians appointed by the court, or to the verdict of the jury, as the case may be, and shall be substantially in the following words:

4 STATE OF ILLINOIS, }  
5 County of \_\_\_\_\_ } ss.

6 It is ordered by the court of county, in the State of Illinois, that  
7 having been lawfully adjudged to be insane, may be received into any hospital or asy-  
8 lum for the insane in this State, and there detained until recovered or otherwise law-  
9 fully discharged.

10 The said \_\_\_\_\_ is a resident of \_\_\_\_\_ county, Illinois, and is in good financial cir-  
11 cumstances, or is indigent, or a pauper.

12 Witness my hand and the seal of the court this      day of      18 .

13 [L. S.] (Signed)

**14** Judge of the Court.

§ 9. In case a trial by jury is demanded, the forms of the procedure may be the same as in other trials, but the jury shall consist of six persons, one of whom shall be a physician. Trials for insanity may be had at the residence of the person supposed to be insane, at the discretion of the court. The case shall be tried in the presence of the person whose sanity is in question, and he shall have the right to be assisted by counsel, and may challenge jurors as in civil cases. The court may, for good cause, continue the case from time to time.

§ 10. The jury shall inquire also into the financial condition of the supposed lunatic, and if he has been maintained, in a county almshouse or elsewhere, at the expense of the county or of any municipal corporation, he shall be deemed and termed a pauper. If he has not been so maintained, but his estate is insufficient to meet the lawful charges accruing for maintenance, clothing, transportation and other petty expenses, while an inmate of a State hospital or asylum for the insane, he shall be described as indigent.

§ 11. The jury shall, after hearing the evidence, render their verdict in writing, signed by them, which verdict may be substantially in form as follows:

STATE OF ILLINOIS, }  
County of \_\_\_\_\_ } ss:

We, the undersigned, jurors in the case of \_\_\_\_\_, having heard the evidence in the case, are satisfied that the said \_\_\_\_\_ is insane, and is a fit person to be sent to a hospital or asylum for the insane; that he is a resident of the State of Illinois and county of \_\_\_\_\_; that he is (or is not) in indigent circumstances, or a pauper; and that the history of the case hereto appended is correct, to the best of our knowledge and belief.

The history herein referred to, shall be prepared by the physician upon the jury, and signed by him, and also by the medical witness or witnesses in the case, and shall be similar in form to that prescribed in the sixth section of this act.

§ 12. Upon the return of the verdict, the same shall be recorded at large by the clerk, and if it appears that the person is insane and a fit person to be sent to a hospital or asylum for the insane, the court shall make and enter an order of commitment, as required by the eighth section of this act.

§ 13. No order of commitment shall be valid for more than thirty days from the  
2 date of its issue.

§ 14. For the purpose of examination into the sanity of persons alleged to be insane,  
2 the circuit and county courts of this State shall be always open.

§ 15. It shall not be lawful for any county to receive and detain any insane person  
2 in any county almshouse or other receptacle for the pauper insane, without first having  
3 made suitable provision for the care of such persons, in respect to quarters, beds and  
4 bedding, heating, ventilation, cleanliness, security, comfort and personal attention.

§ 16. No private person or corporation shall receive, detain or care for any insane  
2 person for hire, unless authorized so to do by an order of the county court of the county  
3 in which said person or corporation resides; and it shall be the duty of the judge of  
4 the court, before granting such order, to satisfy himself, by personal inspection or otherwise,  
5 that the provision made for the care of such insane person or persons is in all respects  
6 suitable and sufficient. But no such order once granted shall be revoked or annulled  
7 except for sufficient cause, nor without previous notice to the party concerned,  
8 who shall have the right to defend himself as in other civil suits: *Provided*, that the  
9 voluntary discontinuance to receive and care for insane patients, or the removal of the  
10 establishment to any other locality, shall of itself vacate the said order.

§ 17. When any person shall have been declared to be insane, the clerk of the court  
2 shall, at the request of the friends, forward a copy of the papers in the case, namely,  
3 the certificate of the examining physicians or the verdict of the jury, as the case may  
4 be, together with the history of the case and the order of commitment, to the superintendent  
5 of the State Hospital for the Insane in and for the district in which the patient  
6 resides, and shall make application for his admission.

§ 18. Upon receipt of the reply of the superintendent, (which shall be made without  
2 delay), the clerk shall, if the patient be admitted, issue a warrant directed to the sheriff  
3 or any other suitable person, preferring some relative of the insane person when desired,  
4 commanding him to arrest such insane person and convey him to the hospital;  
5 and if the clerk is satisfied that it is necessary, he may authorize an assistant to be employed.  
6 Upon receiving the patient, the superintendent shall endorse upon said warrant his receipt  
7 acknowledging the delivery of said patient, and the said warrant, with

the said receipt, shall be returned to the clerk, to be filed by him with the other papers relating to the case.

§ 19. No patient residing in this State shall be admitted into any hospital or asylum for the insane, public or private, except upon such warrant, addressed to the person by whom such patient is received; but this section shall not be construed to forbid the temporary reception, from motives of humanity, of persons obviously insane, who may have been irregularly brought to any asylum, and their detention until a sufficient time shall have elapsed for the cure of such irregularity.

§ 20. If the court shall deem it necessary, pending proceedings and previous to a decision of the case, or after the issue of an order of commitment and pending admission to some hospital or asylum, temporarily to restrain of his liberty the person alleged to be insane, then the court shall make such order in that behalf as the case may require, and the same being entered of record, a copy thereof, certified by the clerk, shall authorize such person to be temporarily detained by the sheriff, jailor or other suitable person to whom the same shall be directed.

§ 21. When a person, not a pauper, nor indigent, is alleged to be insane, and is found, upon inquiry, not to be insane, the costs of the proceeding, including the fees of the jury, if any, shall be paid by the petitioner, and judgment may be awarded against him therefor. If such person is found to be insane, such costs shall be paid by his guardian, conservator or relatives, as the court may direct. If the person alleged to be insane is indigent or a pauper, the cost of the proceeding, including the fees of the jury, if any, shall be paid out of the county treasury: *Provided*, if such person is found not to be insane, the court may, in its discretion, award the costs against the petitioner.

§ 22. The expense of conveying an insane person, who is indigent or a pauper, to the hospital, shall be paid by the county in which he resides, and that of any other patient by his guardian, conservator or relatives; and in no case shall any such expense be paid by the State, or out of any funds for the insane. The fees of the sheriff for conveying any person to the hospital, shall be the same as for conveying convicts to the penitentiary.

§ 23. All costs incurred by any State hospital for the insane, on account of clothing and other individual expenses, or on account of the removal or burial, of any patient,

shall be defrayed, in case the patient on whose account such cost is incurred is indigent or a pauper, by the county of which the said patient is a resident; but in case the said patient is not indigent nor a pauper, then the cost aforesaid shall be paid by the guardian, conservator or relatives of said patient. The medical superintendent of any State hospital for the insane shall be authorized to use his medical judgment as to the character and amount of clothing and underwear necessary to be furnished to patients under his care, in accordance with the season of the year and the degree of exposure to which said patients may be subjected, but he shall, as nearly as possible, furnish clothing of similar cost and character to all patients who are indigent or paupers.

§ 24. No State hospital for the insane shall charge any county or any individual for the expenses hereinbefore mentioned any more than the amount actually paid out by said hospital, with the addition of twenty per cent., to cover freight, losses, and the cost of manufacturing and sending in the hospital.

§ 25. The just and reasonable bills of a State hospital for the insane against any county shall be audited and paid by the county board in such manner that the hospital shall receive the full amount of said bills, as allowed, and any losses incurred by the hospital on account of depreciated warrants or discounts, shall be charged to the county. If any county shall at any time be indebted to any State hospital in any amount, and shall have neglected to pay the amount so due for any period of time exceeding one year it shall be the duty of the trustees of said hospital to apply to the circuit court in and for said county for a mandamus upon the county treasurer for the amount due, and upon proof of the account, the court shall issue a writ of mandamus, and the county treasurer shall pay the same at sight out of any moneys belonging to the county not otherwise appropriated.

§ 26. If any patient, not indigent nor a pauper, shall be admitted to any State hospital for the insane, then one or more persons, his relatives or friends, shall, upon his admission, execute a bond conditioned as follows:

STATE OF ILLINOIS, } ss.  
County of - - - }

Know all men by these presents, that we, \_\_\_\_\_ and \_\_\_\_\_, of the \_\_\_\_\_ county and State aforesaid, are held and firmly bound unto the trustees of the Illinois hospital for the insane, in the sum of two hundred dollars (\$200), for

9 the payment of which we jointly and severally bind ourselves by these presents. The  
 10 condition of this obligation is such, that whereas \_\_\_\_\_, an insane person  
 11 of the county and State aforesaid, has been admitted as a patient into said hospital for  
 12 the insane; Now, therefore, if we shall find said patient in suitable and sufficient cloth-  
 13 ing while \_\_\_\_\_ may remain in said hospital, and shall remove \_\_\_\_\_ when required to  
 14 do so by the trustees, and shall promptly pay all reasonable and lawful charges accru-  
 15 ing for expenses incurred by said hospital on account of the said patient, including the  
 16 expense of his removal or burial, in case of his discharge or death, then this obligation  
 17 to be void; otherwise to remain in full force.

18 Witness our hands and seals, this \_\_\_\_\_ day of \_\_\_\_\_, A. D. \_\_\_\_\_  
 19 \_\_\_\_\_ [L. S.]  
 20 \_\_\_\_\_ [L. S.]

§ 27. It shall be the duty of the county clerk to certify to the financial responsibil-  
 2 ity of the parties by whom the bonds aforesaid may be signed; and no county shall  
 3 evade its responsibility by wilfully or negligently certifying to the solvency of such  
 4 signers, when they are in fact insolvent; and if suit shall be brought upon any bond as  
 5 aforesaid, and it shall appear that the amount due cannot be collected on account of  
 6 the insolvency of the signers, then the said amount so due shall be payable by the  
 7 county of which the patient may be a resident.

§ 28. Whenever the trustees of any State hospital for the insane shall order any  
 2 patient discharged, the superintendent shall at once notify the clerk of the county  
 3 court of the proper county, if the patient is a pauper or indigent, and if not, he shall  
 4 notify all persons who have signed the bond required in the preceding section, and re-  
 5 quest the removal of the patient. If such patient be not removed within thirty days  
 6 after such notice is received, then the superintendent may return him to the place  
 7 whence he came, and the reasonable expenses of his return may be recovered by suit  
 8 upon the bond; but in case of paupers or indigent insane, such expenses shall be paid  
 9 by the proper county.

§ 29. No person admitted into any hospital or asylum for the insane shall be de-  
 2 tained therein after his recovery, or if not insane; and any superintendent of any hos-  
 3 pital or asylum for the insane, who shall knowingly or negligently or corruptly detain

4 any person not insane, contrary to such person's wishes, shall be guilty of false im-  
5 prisonment.

§ 30. On the petition of any respectable person addressed to the judge of any circuit  
2 court in this State, representing that a certain person, confined in a hospital or asylum  
3 for the insane, is not insane, and is unjustly deprived of his liberty, the judge shall ap-  
4 point a commission of three persons, one of whom at least, shall be a physician, and an-  
5 other a lawyer, who shall hear such evidence as may be offered, touching the merits of  
6 the case, and without summoning the party to meet them, shall have a personal inter-  
7 view with him, so managed as to prevent him, if possible, from suspecting its object.  
8 They shall report their proceedings to the judge, and if, in their opinion, the party is  
9 not insane, the judge shall issue an order for his discharge. Such commission shall  
10 not be appointed within three months after the admission of the patient, nor be repeat-  
11 ed at an interval of six months' duration.

§ 31. If the officers of any hospital shall wish for a judicial examination of a person  
2 in their charge, such examination shall be had in the manner provided in the preced-  
3 ing section.

§ 32. Insane persons not residents of this State may be admitted into private asy-  
2 lums for the insane in this State, on compliance with the provisions regulating the com-  
3 mitment of insane persons in the statutes of the State of which any such person is a  
4 resident.

§ 33. Whenever provision shall have been made for the proper hospital treatment  
2 of insane convicts in the penitentiaries of this State, within the walls of said peniten-  
3 tiaries or of either of them, then all insane convicts now in the State hospitals for the  
4 insane, shall be transferred to said hospital specially provided for insane convicts.

§ 34. The execution of this act is entrusted to the State Commissioners of Public  
2 Charities, who are, for this purpose granted the following powers, usually resident in  
3 commissioners of lunacy, namely: the power to visit and inspect all places where in-  
4 sane persons are or may be confined; the power to require statistical and other reports  
5 other reports from all persons, whether official or not, who have any insane under their  
6 care; the power to order the transfer of any insane person to a state hospital, who is  
7 not properly cared for where he may be; and the power to proceed against any county



8 or individual criminally or otherwise, for wilful or flagrant neglect of insane persons  
9 under their care.

§ 35. Nothing in this act shall be construed to forbid the keeping of an insane per-  
2 son in custody at home, if the necessity for such custody exists; but all such cases  
3 must be reported to the Commissioners of Public Charities, under a penalty of a fine of  
4 not less than ten nor more than one hundred dollars for each offence.

§ 36. An act entitled "An act to revise the law in relation to the commitment and  
2 detention of lunatics," approved March 21, 1874, and contained in chapter 85 of the re-  
3 vised statutes, for which the present act is a substitute, is hereby repealed.

1. Introduced by Mr. Ford March 22, 1879, and ordered to first reading.
2. First reading March 22, and referred to Committee on State Charitable Institutions.
3. Reported back, passage recommended and ordered to second reading March 28.
4. Second reading April 24, amended.
5. Ordered to third reading April 25.

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## A BILL

For an act to revise the law in relation to the commitment and detention of lunatics.

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SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General*

*Assembly,* That persons legally adjudged to be insane, lunatic or distracted, may be received and detained in hospitals or asylums for the insane, owned and controlled either by the State, by any county, or by any individual or corporation but only upon the terms and conditions hereinafter provided.

§ 2. No insane person residing in this State shall be deprived of his liberty except by the order of a court, after a proper judicial investigation of the case upon medical and other competent evidence.

§ 3. Every person alleged to be insane, the judge of the county court before whom the case is heard, any relative or friend acting in his behalf, or any respectable citizen, shall, at any stage of the examination into his sanity, have the right to demand that the question be tried by a jury: *Provided,* that this section shall not apply to convicts under sentence for crime, and serving a term of imprisonment in either of the State penitentiaries.

§ 4. In case any resident of this State shall be, or be supposed to be, insane or distracted, application may be made in his behalf, by any respectable citizen, to the judge of the circuit or county court, in and for the county in which he resides, for a judicial inquiry as to his mental condition, and for an order of commitment to some hospital or

5 asylum for the insane: *Provided*, a notice of such application shall have first been  
 6 given at once in a newspaper published nearest the residence of the applicant. The  
 7 application aforesaid shall be in writing, verified by affidavit, and shall specify whether  
 8 or not a trial by jury is desired by the applicant.

§ 5. On the receipt of said petition, the judge to whom the same may be addressed  
 2 shall, unless a jury trial is demanded, appoint two physicians of good repute for medi-  
 3 cal skill and moral integrity, residents of the county, to visit and examine the person  
 4 alleged to be insane, and service on the part of the commissioners herein provided for,  
 5 shall be obligatory upon the persons appointed under penalty of contempt of court:  
 6 *Provided*, that no person shall be appointed to make such inquest who does not possess  
 7 the qualifications required by "An act to regulate the practice of medicine in the State  
 8 of Illinois," approved May -9, 1877: *And, provided, further*, that it shall not be lawful  
 9 for any physician to certify to the insanity of any person, for the purpose of commit-  
 10 ting him to an asylum of which the said physician is either the superintendent, pre-  
 11 prior, an officer, or a regular professional attendant therein.

§ 6. The examining physicians appointed by the court shall, without unnecessary  
 2 delay, proceed, singly or together, to the residence of the person supposed to be insane,  
 3 and shall, by personal investigation and inquiry, satisfy themselves fully as to his con-  
 4 dition, and report the result of their examination to the court, under oath. Said report  
 5 shall be recorded by the clerk, and may be in substance as follows:

6 STATE OF ILLINOIS, } ss:  
 7 ——— COUNTY. }

8 We,            and           , whose names are hereunto appended, practicing physicians,  
 9 residing in the State and county aforesaid, having been appointed by the            court,  
 10 of said county and State, to make a medical examination of           , supposed to be  
 11 insane, and having made such examination, do hereby certify that we find the said  
 12           , to be (or not to be) insane, and a proper subject for care and treatment in a  
 13 hospital or asylum for the insane. This opinion is founded on the following grounds,  
 14 viz: (Here insert facts upon which such opinion is based.) To the best of our knowl-  
 15 edge and belief, the following is a correct history of the case: "

16 Name,           ; residence,            county,           ; aged,           ; born in           ; has  
 17 been for            years a resident of this State; married, single, widowed, separated or

18 divorced, ; duration of disease, ; supposed cause, ; education, ; re-  
 19 ligious, ; number of attack, ; date and duration of former attacks, ; form  
 20 of disease, ; complications, ; natural disposition, ; intemperate, ; uses  
 21 tobacco, ; habits before attack, ; general health do., ; business  
 22 or domestic cares, ; domestic relations, ; old wounds or injuries, ;  
 23 recent do., ; epileptic, ; violent, ; destructive ; homi-  
 24 cidal, ; suicidal, ; noisy, ; what delusions or hallucinations,  
 25 ; tidy or filthy, ; depressed or excited, ; exposed to contagious  
 26 diseases, ; condition of bowels, ; sleep, ; appetite, ;  
 27 general health at present time, ; what relations have been insane,

## FEMALE CASES.

28 Condition of menses, ; number of labors, ; natural or complicated,  
 29 ; number of children living, ; age of youngest child, , what female  
 30 complaints, if any, ; hysterical, ; other abnormal nervous conditions,

31 [Signed.] M. D.

32 M. D.

33 Subscribed and sworn to before me, this day of 18 .

34 [Signed.]

35 And for the service herein required, each of said physicians shall be entitled to a fee  
 36 equivalent to three dollars (\$3.00) for each day's service required in each case, and in  
 37 addition thereto the same mileage now allowed by law to witnesses for attending as wit-  
 38 nesses in the circuit court, to be collected from the estate of the patient or paid by the  
 39 county, as the case may be.

§ 7. Upon receipt of the report of the examining physicians, the court may, if no  
 2 demand shall have been made for a jury, make and enter of record his order of com-  
 3 mitment to some hospital or asylum; or, if not fully satisfied, the judge may make such  
 4 additional investigation of the case as may seem to him to be necessary or proper, and  
 5 to that end may, in his discretion, impanel a jury for the trial of the case.

§ 8. A certified copy of the order of commitment shall be attached to the report of  
 2 the physicians appointed by the court, or to the verdict of the jury, as the case may be,  
 3 and shall be substantially in the following words:

4 STATE OF ILLINOIS, }  
 5 COUNTY OF ———. } ss:

6 It is ordered by the court of county, in the State of Illinois, that  
 7 having been lawfully adjudged to be insane, may be received into any hospital or asy-  
 8 lum for the insane in this State, and there detained until recovered or otherwise law-  
 9 fully discharged.

10 The said is a resident of county, Illinois, and is in good financial circum-  
 11 stances, or is indigent, or a pauper.

12 Witness my hand and the seal of the court, this day of 18

13 [L. S.] (Signed)

14 Judge of the Court.

§ 9. In case a trial by jury is demanded, the forms of the procedure may be the  
 2 same as in other trials, but the jury shall consist of six persons, one of whom shall be  
 3 a physician. Trials for insanity may be had at the residence of the person supposed to  
 4 be insane, at the discretion of the court. The case shall be tried in the presence of the  
 5 person whose sanity is in question, and he shall have the right to be assisted by coun-  
 6 sel, and may challenge jurors as in civil cases. The court may, for good cause, con-  
 7 tinue the case from time to time.

§ 10. The jury shall inquire also into the financial condition of the supposed luna-  
 2 tic, and if he has been maintained, in a county almshouse or elsewhere, at the expense  
 3 of the county or of any municipal corporation, he shall be deemed and termed a pau-  
 4 per. If he has not been so maintained, but his estate is insufficient to meet the lawful  
 5 charges accruing for maintenance, clothing, transportation and other petty expenses,  
 6 while an inmate of a State hospital or asylum for the insane, he shall be described as  
 7 indigent.

§ 11. The jury shall, after hearing the evidence, render their verdict in writing,  
 2 signed by them, which verdict may be substantially in form as follows:

3 STATE OF ILLINOIS, }  
 4 County of ——— } ss.

5 We, the undersigned, jurors in the case of , having heard the evidence  
 6 in the case, are satisfied that the said is insane, and is a fit person to be  
 7 sent to a hospital or asylum for the insane; that he is a resident of the State of Illinois

8 and county of \_\_\_\_\_, that he is (or is not) in indigent circumstances, or a  
 9 pauper; and that the history of the case hereto appended is correct, to the best of our  
 10 knowledge and belief.

11 The history herein referred to shall be prepared by the physician upon the jury, and  
 12 signed by him, and also by the medical witness or witnesses in the case, and shall be  
 13 similar in form to that prescribed in the sixth section of this act.

§ 12. Upon the return of the verdict, the same shall be recorded at large by the  
 2 clerk, and if it appears that the person is insane and a fit person to be sent to a hos-  
 3 pital or asylum for the insane, the court shall make and enter an order of commitment,  
 4 as required by the eighth section of this act.

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 2 date of its issue.

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 2 the circuit and county courts of this State shall be always open.

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 2 in any county almshouse or other receptacle for the pauper insane, without first having  
 3 made suitable provisions for the care of such persons, in respect to quarters, beds and  
 4 bedding, heating, ventilation, cleanliness, security, comfort and personal attention.

§ 16. No private person or corporation shall receive, detain or care for any insane  
 2 person for hire, unless authorized so to do by an order of the county court of the coun-  
 3 ty in which said person or corporation resides; and it shall be the duty of the judge of  
 4 the court, before granting such order, to satisfy himself, by personal inspection or other-  
 5 wise, that the provision made for the care of such insane person or persons is in all re-  
 6 spects suitable and sufficient. But no such order once granted shall be revoked or an-  
 7 nulled except for sufficient cause, nor without previous notice to the party concerned,  
 8 who shall have the right to defend himself as in other civil suits: *Provided*, that the  
 9 voluntary discontinuance to receive and care for insane patients, or the removal of the  
 10 establishment to any other locality, shall of itself vacate the said order.

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 2 shall, at the request of the friends, forward a copy of the papers in the case, namely,  
 3 the certificate of the examining physicians or the verdict of the jury, as the case may  
 4 be, together with the history of the case and the order of commitment, to the superin-

5 tendent of the State Hospital for the Insane, in and for the district in which the patient  
6 resides, and shall make application for his admission, but no person having any con-  
7 tagious or infectious disease, shall be received into any State Hospital for the Insane.

§ 18. Upon receipt of the reply of the superintendent, (which shall be made without  
2 delay), the clerk shall, if the patient be admitted, issue a warrant directed to the sher-  
3 iff or any other suitable person, preferring some relative of the insane person when de-  
4 sired, commanding him to arrest such insane person and convey him to the hospital;  
5 and if the clerk is satisfied that it is necessary, he may authorize an assistant to be em-  
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7 rant his receipt acknowledging the delivery of said patient, and the said warrant, with  
8 the said receipt, shall be returned to the clerk, to be filed by him with the other papers  
9 relating to the case.

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4 the temporary reception, from motives of humanity, of persons obviously insane, who  
5 may have been irregularly brought to any asylum, and their detention until a sufficient  
6 time shall have elapsed for the cure of such irregularity.

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2 decision of the case, or after the issue of an order of commitment, and pending admis-  
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5 require, and the same being entered of record, a copy thereof, certified by the clerk,  
6 shall authorize such person to be temporarily detained by the sheriff, jailor or other  
7 suitable person to whom the same shall be directed.

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3 cluding the fees of the jury, if any, shall be paid by the petitioner, and judg-  
4 ment may be awarded against him therefor. If such person is found to be insane, such  
5 costs shall be paid by his guardian, conservator or relatives, as the court may direct. If  
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7 cluding the fees of the jury, if any, shall be paid out of the county treasury. Pro-

aided, if such person is found not to be insane, the court may, in its discretion, award the costs against the petitioner.

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§ 23. All costs incurred by any State hospital for the insane, on account of clothing and other individual expenses, or on account of the removal or burial of any patient shall be defrayed, in case the patient on whose account such cost is incurred is indigent or a pauper, by the county of which the said patient is a resident; but in case the said patient is not indigent nor a pauper, then the cost aforesaid shall be paid by the guardian, conservator or relatives of said patient. The medical superintendent of any State hospital for the insane shall be authorized to use his medical judgment as to the character and amount of clothing and underwear necessary to be furnished to patients under his care, in accordance with the season of the year and the degree of exposure to which said patient may be subjected, but he shall, as nearly as possible, furnish clothing of similar cost and character to all patients who are indigent or paupers.

§ 24. No State hospital for the insane shall charge any county or any individual for the expenses hereinbefore mentioned any more than the amount actually paid out by said hospital, with the addition of twenty per cent., to cover freight, losses, and the cost of manufacturing and mending in the hospital.

§ 25. The just and reasonable bills of a State hospital for the insane against any county shall be audited and paid by the county board in such manner that the hospital shall receive the full amount of said bills, as allowed, and any losses incurred by the hospital on account of depreciated warrants or discounts, shall be charged to the county. If any county shall at any time be indebted to any State hospital in any amount, and shall have neglected to pay the amount so due for any period of time exceeding one year, it shall be the duty of the trustees of said hospital to apply to the circuit court in and for said county for a mandamus upon the county treasurer for the amount due, and upon proof of the account, the court shall issue a writ of mandamus, and the county



10 treasurer shall pay the same at sight out of any moneys belonging to the county not  
11 otherwise appropriated.

§ 26. If any patient, not indigent nor a pauper, shall be admitted to any State hos-  
2 pital for the insane, then one or more persons, his relatives or friends, shall, upon his  
3 admission, execute a bond conditioned as follows:

4 STATE OF ILLINOIS }  
5 County of - - - - - } ss.

6 Know all men by these presents, that we \_\_\_\_\_ and \_\_\_\_\_, of the  
7 county and State aforesaid, are held and firmly bound unto the trustees of the Illinois  
8 \_\_\_\_\_ hospital for the insane, in the sum of two hundred dollars (\$200), for  
9 the payment of which we jointly and severally bind ourselves by these presents. The  
10 condition of this obligation is such, that whereas \_\_\_\_\_, an insane person  
11 of the county and State aforesaid, has been admitted as a patient into said hospital for  
12 the insane; Now, therefore, if we shall find said patient in suitable and sufficient cloth-  
13 ing while \_\_\_\_\_ may remain in said hospital, and shall remove \_\_\_\_\_ when required to  
14 do so by the trustees, and shall promptly pay all reasonable and lawful charges accru-  
15 ing for expenses incurred by said hospital on account of said patient, including the  
16 expense of his removal or burial, in case of his discharge or death, then this obligation  
17 to be void; otherwise to remain in full force.

18 Witness our hands and seals, this \_\_\_\_\_ day of \_\_\_\_\_, A. D.

19 \_\_\_\_\_ [L. S.]

20 \_\_\_\_\_ [L. S.]

§ 27. It shall be the duty of the county clerk to certify to the financial responsibil-  
2 ity of the parties by whom the bonds aforesaid may be signed; and no county shall  
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5 aforesaid, and it shall appear that the amount due cannot be collected on account of  
6 the insolvency of the signers, then the said amount so due shall be payable by the  
7 county of which the patient may be a resident.

§ 28. Whenever the trustees of any State hospital for the insane shall order any  
2 patient discharged, the superintendent shall at once notify the clerk of the county

3 court of the proper county and if the patient's friends have given the bond required in  
4 the preceding section he shall also notify all persons who signed the said bond, and re-  
5 quest the removal of the patient. If such patient be not removed within thirty days  
6 after such notice is received, then the superintendent may return him to the place  
7 whence he came, and the reasonable expenses of his return may be recovered by suit  
8 upon the bond; but in case of paupers or indigent insane, such expenses shall be paid  
9 by the proper county.

§ 29. No person admitted into any hospital or asylum for the insane shall be de-  
2 tained therein after his recovery, or if not insane; and any superintendent of any hos-  
3 pital or asylum for the insane, who shall knowingly or negligently or corruptly detain  
4 any person not insane, contrary to such person's wishes, shall be guilty of false impre-  
5 sonment.

§ 30. On the petition of any respectable person addressed to the judge of any circuit  
2 court in this State, representing that a certain person, confined in a hospital or asylum  
3 for the insane, is not insane, and is unjustly deprived of his liberty, the judge shall ap-  
4 point a commission of three persons, one of whom at least, shall be a physician, and  
5 another a lawyer, who shall hear such evidence as may be offered, touching the merits  
6 of the case, and without summoning the party to meet them, shall have a personal in-  
7 terview with him, so managed as to prevent him, if possible, from suspecting its object.  
8 They shall report their proceedings to the judge, and if, in their opinion, the party is  
9 not insane, the judge shall issue an order for his discharge. Such commission shall  
10 not be appointed within three months after the admission of the patient, nor be  
11 repeated at an interval of less than six months' duration.

§ 31. If the officers of any hospital shall wish for a judicial examination of a person  
2 in their charge, such examination shall be had in the manner provided in the preceding  
3 section.

§ 32. Insane persons not residents of this State may be admitted into private asy-  
2 lums for the insane in this State, on compliance with the provisions regulating the  
3 commitment of insane persons in the statutes of the State of which any such person is  
4 a resident.

§ 33. Whenever provision shall have been made for the proper hospital treatment  
2 of insane convicts in the penitentiaries of this State, within the walls of said peniten-

3 taries, or either of them, then all insane convicts, now in the State hospitals for the  
4 insane, shall be transferred to said hospital specially provided for insane convicts.

§ 34. The execution of this act is entrusted to the State Commissioners of Public  
5 Charities, who are, for this purpose, granted the following powers, usually resident in  
6 commissioners of lunacy, namely: the power to visit and inspect all places where  
7 insane persons are or may be confined; the power to require statistical and other reports  
8 from all persons, whether official or not, who have any insane under their care; and it  
9 shall be their duty to institute proceedings for the transfer to a State Hospital for the  
10 Insane of all insane persons who are not properly cared for where they may be, and  
11 to proceed against any county or individual, criminally or otherwise, for wilful or  
12 flagrant neglect of insane persons under their care; and it shall be their further duty  
13 to take proceedings to liberate all persons who are restrained of their liberty on the  
14 pretence of insanity, and who are not, in the opinion of said commissioners, insane.

§ 35. An act entitled "An Act to revise the law in relation to the commitment and  
15 detention of lunatics," approved March 31, 1874, and contained in chapter 85 of the  
16 Revised Statutes, for which the present act is a substitute, is hereby repealed.

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(In House.)

1. Reported to House May 7, 1879.
  2. First reading May 12, and referred to Committee on Judiciary.
  3. Reported back passage recommended, and ordered to second reading May 19.
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Amendments to Senate Bill No. 450.

Amend, section 24, last line engrossed bill, the words "manufacturing and."

Amend, section 43 by adding at the close of the first sentence and after the words

- 2 "said patient" the following: "*Provided*, that no charge shall be made for the board  
3 and treatment of any insane resident of this State in any State hospital for the insane."

4 Amend, section 6 by inserting at the close of the first sentence and after the words

5 "under oath" the following: "The clerk of the court shall furnish to the examining

6 physicians herein provided for a certified copy of the original application required in

7 section 4 of this act, and the said certified copy shall by them, or by one of them, be de-

8 livered to the person alleged to be insane; the third section of this act shall be printed

9 in full at the top of the blank on which the said copy is made." Amend, section 6

10 further by adding at the close of the certificate required of the examining physicians

11 the words: "And we do further certify that we have delivered to the party examined

12 a certified copy of the original application for this inquest."

13 Amend section 4 by striking out of said section the words: "*Provided*, a notice of

14 such application shall first have been given at least once in a newspaper published

15 nearest the residence of the applicant."

16 Amend, section 13 by inserting after the word "no" and before the word "person" the

17 words "idiot or."

3

## A BILL

For an Act to revise the law in relation to the Commitment and Detention of Duncies.

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SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General*

Assembly, That persons legally adjudged to be insane, lunatic or distracted may be received and detained in hospitals or asylums for the insane, owned and controlled either by the State, by any county, or by any individual or corporation, but only upon the terms and conditions hereinafter provided.

§ 2. No insane person residing in this State shall be deprived of his liberty, except by the order of a court, after a proper judicial investigation of the case upon medical and other competent evidence.

§ 3. Every person alleged to be insane, the judge of the county court before whom the case is heard, any relative or friend acting in his behalf, or any respectable citizen, shall, at any stage of the examination into his sanity, have the right to demand that the question be tried by a jury: *Provided*, that this section shall not apply to convicts under sentence for crime, and serving a term of imprisonment in either of the State penitentiaries.

§ 4. In case any resident of this State shall be, or be supposed to be insane or distracted, application may be made in his behalf, by any respectable citizen, to the judge of the circuit or county court, in and for the county in which he resides, for a judicial inquiry as to his mental condition, and for an order of commitment to some hospital or asylum for the insane: *Provided*, a notice of such application shall have first been given at least once in a newspaper published nearest the residence of the applicant. The application aforesaid shall be in writing, verified by affidavit, and shall specify whether or not a trial by jury is desired by the applicant.

§ 5. On the receipt of said petition, the judge to whom the same may be addressed shall, unless a jury trial is demanded, appoint two physicians of good repute for medical skill and moral integrity, residents of the county, to visit and examine the person alleged to be insane, and service on the part of the commissioners herein provided for

5 shall be obligatory upon the persons appointed, under penalty of contempt of court:  
 6 *Provided*, that no person shall be appointed to make such inquest who does not possess  
 7 the qualifications required by "An act to regulate the practice of medicine in the State  
 8 of Illinois," approved May 29, 1877: *And, provided, further*, that it shall not be lawful  
 9 for any physician to certify to the insanity of any person for the purpose of commit-  
 10 ting him to an asylum of which the said physician is either the superintendent, pro-  
 11 prietor, an officer, or a regular professional attendant therein.

§ 6. The examining physicians appointed by the court shall, without unnecessary  
 2 delay proceed, singly or together, to the residence of the person supposed to be insane,  
 3 and shall, by personal investigation and inquiry, satisfy themselves fully as to his con-  
 4 dition, and report the result of their examination to the court, under oath. Said report  
 5 shall be recorded by the clerk, and may be in substance as follows:

6 STATE OF ILLINOIS, } SS.  
 7 COUNTY OF

8 We,                      and                      , whose names are hereunto appended, practicing physicians,  
 9 residing in the State and county aforesaid, having been appointed by the                      court,  
 10 of said county and State, to make a medical examination of                      , supposed to be  
 11 insane, and having made such examination, do hereby certify that we find the said  
 12                      , to be (or not to be) insane, and a proper subject for care and treatment in the  
 13 hospital or asylum for the insane. This opinion is founded on the following grounds,  
 14 viz: (Here insert facts upon which such opinion is based.) To the best of our knowl-  
 15 edge and belief, the following is a correct history of the case.

16 Name,                      ; residence,                      county                      ; aged                      ; born in                      ; has  
 17 been for                      years a resident of this State; married, single, widowed, separated or  
 18 divorced,                      ; duration of disease,                      ; supposed cause,                      ; education,                      ; re-  
 19 ligious,                      ; number of attack,                      ; age at first attack,                      ; date and duration of  
 20 former attacks,                      ; form of disease,                      ; complications,                      ; natural disposi-  
 21 tion,                      ; intemperate,                      ; uses tobacco,                      ; habits before attack,                      ;  
 22 general health do.,                      ; business or domestic cares                      ; domestic relations,                      ;  
 23 old wounds or injuries,                      ; recent do.,                      ; epileptic,                      violent,                      ;  
 24 destructive,                      ; homicidal,                      ; suicidal,                      ; seisy,                      ; what de-  
 25 lusions or hallucinations,                      ; tidy or filthy,                      ; depressed or excited                      ;

26 exposed to contagious diseases, condition of bowels, ; sleep, ;  
27 appetite, ; general health at present time, what relations have been  
28 insane,

FEMALE CASES.

28 Condition of menses, ; number of labors, ; natural or complicated,  
29 ; number of children living, ; age of youngest child, ; what female  
30 complaints, if any, ; hysterical, ; other abnormal nervous conditions,

31 [Signed.] M. D.

32 M. D.

33 Subscribed and sworn to before me, this day of 18

34 [Signed]

35 And for the services herein required, each of said physicians shall be entitled to a fee  
36 equivalent to three dollars (\$3.00) for each day's service required in such case, and in  
37 addition thereto, to the same mileage now allowed by law to witness for attend  
38 ing as witnesses in the circuit court, to be collected from the estate of the patient or  
39 paid by the county, as the case may be.

§ 7. Upon receipt of the report of the examining physicians, the court may, if no  
2 demand shall have been made for a jury, make and enter of record his order of com-  
3 mitment to some hospital or asylum; or if not fully satisfied, the judge may make such  
4 additional investigation of the case as may seem to him to be necessary or proper, and  
5 to that end may, in his discretion, impanel a jury for the trial of the case.

§ 8. A certified copy of the order of commitment shall be attached to the report of the  
2 physicians appointed by the court, or to the verdict of the jury, as the case may be, and  
3 shall be substantially in the following words:

4 STATE OF ILLINOIS, }  
6 COUNTY OF \_\_\_\_\_ } SS:

6 It is ordered by the court of county, in the State of Illinois, that  
7 having been lawfully adjudged to be insane, may be received into any hospital or asy-  
8 lum for the insane in this State, and there detained until recovered or otherwise law-  
9 fully discharged.

10 The said is a resident of county, Illinois, and is in good financial circum-  
11 stances, or is indigent, or a pauper.

12 Witness my hand and the seal of the court, this      day of      18 .

18 [L. S.] (Signed)

14	Judge of the	Court.
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§ 9. In case a trial by a jury is demanded, the forms of the procedure may be the same as in other trials, but the jury shall consist of six persons, one of whom shall be a physician. Trials for insanity may be had at the residence of the person supposed to be insane, at the discretion of the court. The case shall be tried in the presence of the person whose sanity is in question, and he shall have the right to be assisted by counsel, and may challenge jurors as in civil cases. The court may, for good cause, continue the case from time to time.

§ 10. The jury shall inquire also into the financial condition of the supposed lunatic, and if he has been maintained, in a county almshouse or elsewhere, at the expense of the county or of any municipal corporation, he shall be deemed and termed a pauper. If he has not been so maintained, but his estate is insufficient to meet the lawful charges accruing for maintenance, clothing, transportation and other petty expenses, while an inmate of a State hospital or asylum for the insane, he shall be described as indigent.

§ 11. The jury shall, after hearing the evidence, render their verdict in writing signed by them, which verdict may be substantially in form as follows :

3 STATE OF ILLINOIS, }  
4 County of \_\_\_\_\_ } ss.

5 We, the undersigned, jurors in the case of \_\_\_\_\_, having heard the evidence  
6 in the case, are satisfied that the said \_\_\_\_\_ is insane, and is a fit person to be  
7 sent to a hospital or asylum for the insane; that he is a resident of the State of Illinois  
8 and county of \_\_\_\_\_; that he is (or is not) in indigent circumstances, or a  
9 pauper; and that the history of the case hereto appended is correct, to the best of our  
10 knowledge and belief.

11 The history herein referred to shall be prepared by the physician upon the jury, and  
12 signed by him, and also by the medical witness or witnesses in the case, and shall be  
13 similar in form to that prescribed in the sixth section of this act.

§ 12. Upon the return of the verdict, the same shall be recorded at large by the clerk, and if it appears that the person is insane and a fit person to be sent to a hos-



3 pital or asylum for the insane, the court shall make and enter an order of commitment,  
4 as required by the eighth section of this act.

§ 13. No order of commitment shall be valid for more than thirty days from the  
3 date of its issue.

§ 14. For the purpose of examination into the sanity of persons alleged to be insane,  
2 the circuit and county courts of this State shall always be open.

§ 15. It shall not be lawful for any county to receive and detain any insane person  
3 in any county almhouse or other receptacle for the pauper insane, without first having  
2 made suitable provisions for the care of such persons, in respect to quarters, beds and  
4 bedding, heating, ventilation, cleanliness, security, comfort and personal attention.

§ 16. No private person or corporation shall receive, detain or care for any insane  
3 person for hire, unless authorized so to do by an order of the county court of the coun-  
3 ty in which said person or corporation resides; and it shall be the duty of the judge of  
4 the court, before granting such order, to satisfy himself by personal inspection or other-  
5 wise, that the provision made for the care of such insane person or persons is in all re-  
6 spects suitable and sufficient. But no such order once granted shall be revoked or an-  
7 nulled except for sufficient cause, nor without previous notice to the party concerned,  
8 who shall have the right to defend himself as in other civil suits: *Provided*, that the  
9 voluntary discontinuance to receive and care for insane patients, or the removal of the  
10 establishment to any other locality, shall of itself vacate the said order.

§ 17. When any person shall have been declared to be insane, the clerk of the court  
2 shall, at the request of the friends, forward a copy of the papers in the case, namely,  
3 the certificate of the examining physicians, or the verdict of the jury, as the case may  
4 be, together with the history of the case and the order of commitment, to the superin-  
5 tendent of the State Hospital for the Insane, in and for the district in which the patient  
6 resides, and shall make application for his admission, but no person having any con-  
7 tagious or infectious disease shall be received into any State Hospital for the Insane.

§ 18. Upon receipt of the reply of the superintendent, (which shall be made without  
2 delay), the clerk shall, if the patient be admitted, issue a warrant directed to the sher-  
3 iff or any other suitable person, preferring some relative of the insane person when de-  
4 sired, commanding him to arrest such insane person and convey him to the hospital;  
5 and if the clerk is satisfied that it is necessary, he may authorize an assistant to be em-

6 ployed. Upon receiving the patient, the superintendent shall endorse upon said war-  
 7 rant his receipt acknowledging the delivery of said patient, and the said warrant, with  
 8 the said receipt, shall be returned to the clerk, to be filed by him with the other papers  
 9 relating to the case.

§ 19. No patient residing in this State shall be admitted into any hospital or asy-  
 2 lum for the insane, public or private, except upon such warrant, addressed to the per-  
 3 son by whom such person is received; but this section shall not be construed to forbid  
 4 the temporary reception, from motives of humanity, of persons obviously insane, who  
 5 may have been irregularly brought to any asylum, and their detention until a sufficient  
 6 time shall have elapsed for the cure of such irregularity.

§ 20. If the court shall deem it necessary, pending proceeding and previous to a  
 2 decision of the case, or after the issue of an order of commitment, and pending admis-  
 3 sion to some hospital or asylum, temporarily to restrain of his liberty the person al-  
 4 leged to be insane, then the court shall make such order in that behalf as the case may  
 5 require, and the same being entered of record, a copy thereof, certified by the clerk,  
 6 shall authorize such person to be temporarily detained by the sheriff, jailor or other  
 7 suitable person to whom the same shall be directed

§ 21. When a person, not a pauper, nor indigent, is alleged to be insane, and is found,  
 2 upon inquiry, not to be insane, the costs of the proceeding, including the fees of the  
 3 jury, if any, shall be paid by the petitioner, and judgment may be awarded against him  
 4 therefor. If such person is found to be insane, such costs shall be paid by his guardian,  
 5 conservator or relatives, as the court may direct. If the person alleged to be insane,  
 6 is indigent or a pauper, the cost of the proceeding, including the fees of the jury, if any  
 7 shall be paid out of the county treasury: *Provided*, if such person is found not to be  
 8 insane, the court may, in its discretion, award the costs against the petitioner.

§ 22. The expense of conveying an insane person, who is indigent or a pauper, to  
 2 the hospital shall be paid by the county in which he resides, and that of any other  
 3 patient by his guardian, conservator or relatives; and in no case shall any such expense  
 4 be paid by the State, or out of any funds for the insane. The fees of the sheriff for  
 5 conveying any person to the hospital shall be the same as for conveying convicts to the  
 6 penitentiary.

§ 23. All costs incurred by any State hospital for the insane, on account of clothing



County and State aforesaid, are held and firmly bound unto the trustees of the Illinois hospital for the insane, in the sum of two hundred dollars (\$200), for the payment of which we jointly and severally bind ourselves by these presents. The condition of this obligation is such, that whereas , an insane person of the county and State aforesaid, has been admitted as a patient into said hospital for the insane; now, therefore, if we shall find such patient in suitable and sufficient clothing while may remain in said hospital, and shall remove when required to do so by the trustees, and shall promptly pay all reasonable and lawful charges accruing for expenses incurred by said hospital on account of said patient, including the expense of his removal or burial, in case of his discharge or death, then this obligation to be void; otherwise to remain in full force.

Witness our hands and seals, this day of , A. D.

[L. S.]

[L. S.]

§ 27. It shall be the duty of the county clerk to certify to the financial responsibility of the parties by whom the bonds aforesaid may be signed; and no county shall evade its responsibility by wilfully or negligently certifying to the solvency of such signers, when they are in fact insolvent; and if suit shall be brought upon any bond aforesaid, and it shall appear that the amount due cannot be collected on account of the insolvency of the signers, then the said amount so due shall be payable by the county of which the patient may be a resident.

§ 28. Whenever the trustees of any State hospital for the insane shall order any patient discharged, the superintendent shall in every case at once notify the clerk of the county court of the proper county, and if the patient's friends have given the bond required in the preceding section he shall also notify all persons who signed the said bond, and request the removal of the patient. If such patient be not removed within thirty days after such notice is received, then the superintendent may return him to the place whence he came, and the reasonable expenses of his return may be recovered by suit upon the bond; but in case of paupers or indigent insane, such expenses shall be paid by the proper county.

§ 29. No person admitted into any hospital or asylum for the insane shall be detained therein after his recovery, or if not insane; and any superintendent of any hos-

3 pital or asylum for the insane, who shall knowingly or negligently or corruptly detain  
 4 any person not insane, contrary to such person's wishes: shall be guilty of false impris-  
 5 onment.

§ 30. On the petition of any respectable person addressed to the judge of any cir-  
 2 cuit court in this State, representing that a certain person then confined in a hospital or  
 3 asylum for the insane, is not insane, and is unjustly deprived of his liberty, the judge  
 4 shall appoint a commission of three persons, one of whom at least shall be a physician,  
 5 and another a lawyer, who shall hear such evidence as may be offered, touching the  
 6 merits of the case, and without summoning the party to meet them, shall have a per-  
 7 sonal interview with him, so managed as to prevent him, if possible, from suspecting its  
 8 object. They shall report their proceedings to the judge, and if, in their opinion, the  
 9 party is not insane, the judge shall issue an order for his discharge. Such commission  
 10 shall not be appointed within three months after the admission of the patient, nor be  
 11 repeated at any interval of less than six months' duration.

§ 31. If the officers of any hospital shall wish for a judicial examination of a person  
 2 in their charge, such examination shall be had in the manner provided in the preceding  
 3 section.

§ 32. Insane persons not residents of this State may be admitted into private asy-  
 2 lums for the insane in this State, on compliance with the provisions regulating the  
 3 commitment of insane persons in the statutes of the State of which any such person is  
 4 a resident.

§ 33. Whenever provision shall have been made for the proper hospital treatment  
 2 of insane convicts in the penitentiaries of this State, within the walls of said peniten-  
 3 tiaries, or either of them, then all insane convicts, now in the State hospitals for the  
 4 insane, shall be transferred to said hospital specially provided for insane convicts.

§ 34. The execution of this act is entrusted to the State Commissioners of Public  
 2 Charities, who are, for this purpose, granted the following powers, usually resident in  
 3 commissioners of lunacy, namely: the power to visit and inspect all places where  
 4 insane persons are or may be confined; the power to require statistical and other reports  
 5 from all persons, whether official or not, who have any insane under their care, and  
 6 it shall be their duty to institute proceedings for the transfer to a State Hospital for the

7 Insane of all insane persons who are not properly cared for where they may be, and  
 8 to proceed against any county or individual, criminally or otherwise, for willful or fla-  
 9 grant neglect of insane persons under their care; and it shall be their further duty to  
 10 take proceedings to liberate all persons who are restrained of their liberty on the pre-  
 11 tense of insanity, and who are not, in the opinion of said commissioners, insane.

§ 36. An act entitled "An act to revise the law in relation to the commitment and  
 2 detention of lunatics," approved March 21, 1874, and contained in chapter 55 of the  
 3 Revised Statutes, for which the present act is a substitute, is hereby repealed.



1. Introduced by Mr. Hunt, from Judiciary Committee, March 25, 1879, and ordered to a first reading.
2. First reading March 28, 1879, and ordered to second reading.

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## A BILL

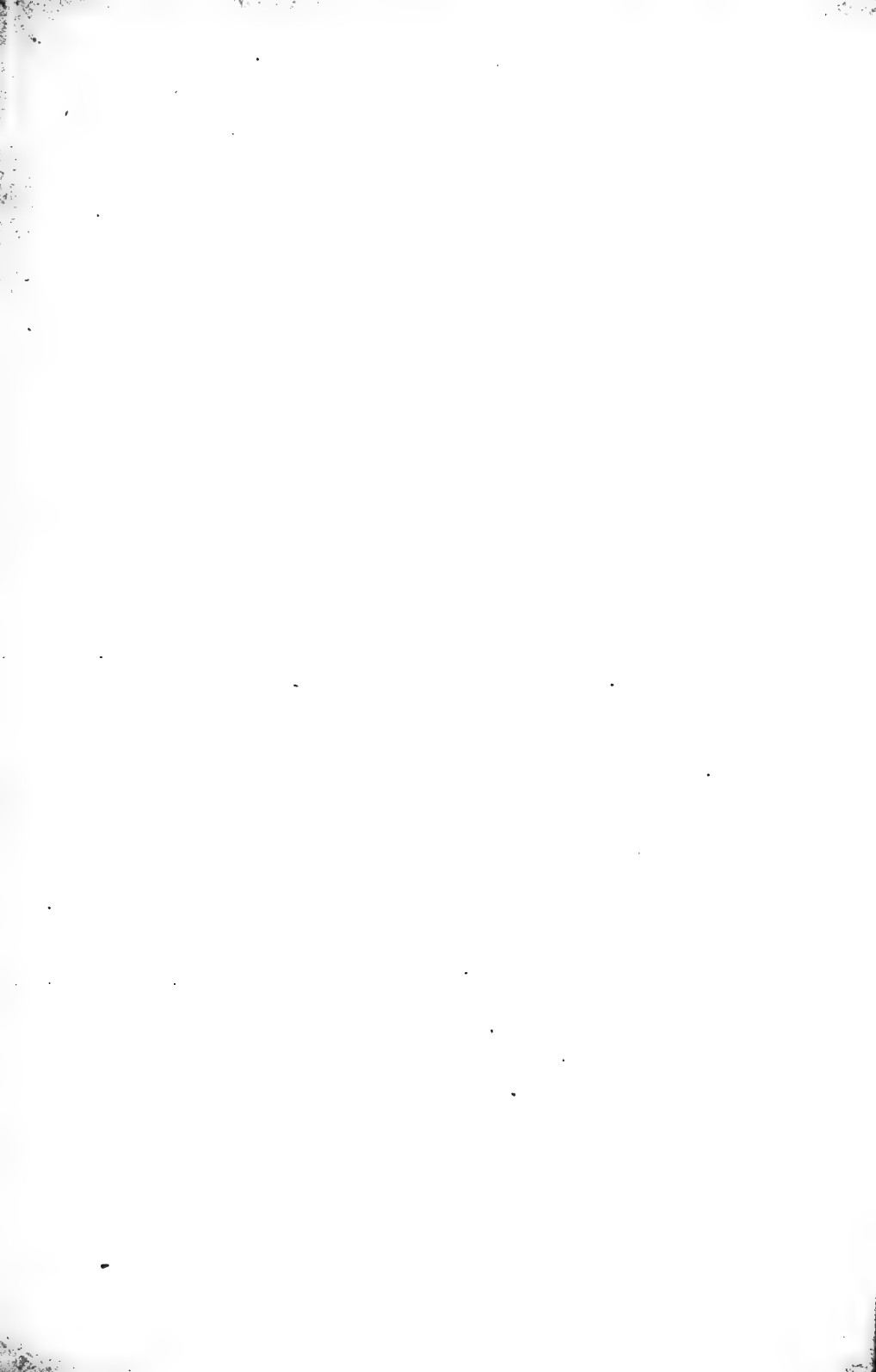
For an act to amend an act entitled "An act to revise the law in relation to marriages, approved February 27, 1874.

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SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That an act entitled "An act to revise the law in relation to marriages," approved February 27, 1874, be and the same is hereby amended by adding thereto an additional section, to be known and designated as section 15½.

§ 15½. Any person who celebrates any marriage, or pretended marriage, in this State when not authorized by the laws of this State to celebrate marriages, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum not exceeding five hundred dollars, and imprisoned in the county jail for a period not exceeding two years.





1. Introduced by Mr. McClellan, from Committee on Revenue, March 26, and ordered to first reading.
2. First reading March 26, and ordered to second reading.

### A BILL

For an act to amend section fifty-eight, sixty-six, as heretofore amended; sixty-nine, seventy, seventy-six, eighty-six, eighty-nine, ninety, ninety-two, as heretofore amended; ninety-eight, one hundred and twenty-three, one hundred and twenty-five, one hundred and twenty-six, one hundred and twenty-eight, one hundred and thirty-two, one hundred and sixty-one, one hundred and sixty-three, one hundred and seventy, one hundred and seventy-one, one hundred and seventy-two, one hundred and eighty, one hundred and eighty-one, as heretofore amended; one hundred and eighty-eight, one hundred and eighty-nine, one hundred and ninety, one hundred and ninety-three, as heretofore amended; one hundred and ninety-four, two hundred, and two hundred and eleven of an act entitled "An Act for the assessment of property and for the levy and collection of taxes," approved March 30, 1872, in force July 1, 1872, and to repeal sections one hundred and twenty-four, one hundred and ninety-five, one hundred and ninety-eight, two hundred and twenty-six, and two hundred and ninety-nine of said act.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That sections fifty-eight, sixty-six, as heretofore amended; sixty-nine, seventy, seventy-six, eighty-six, eighty-nine, ninety, ninety-two, as heretofore amended; ninety-eight, one hundred and twenty-three, one hundred and twenty-five, one hundred and twenty-six, one hundred and twenty-eight, one hundred and thirty-two, one hundred and sixty-one, one hundred and sixty-three, one hundred and seventy, one hundred and seventy-one, one hundred and seventy-two, one hundred and eighty, one hundred and eighty-one, as heretofore amended; one hundred and eighty-eight, one

9 hundred and eighty-nine, one hundred and ninety, one hundred and ninety-three, as  
 10 heretofore amended; one hundred and ninety-four, two hundred, and two hundred and  
 11 eleven of an act entitled "An Act for the assessment of property, and for the levy and  
 12 collection of taxes," approved March 30, 1872; in force July 1, 1872, be and the same  
 13 are hereby amended to read as follows:

§ 58. All real property in this State, subject to taxation under this act, including  
 2 real estate becoming taxable for the first time, shall be listed to the owners thereof, by  
 3 such owners, their agents, county clerks or assessors, or the county board, and assessed  
 4 for the year one thousand eight hundred and eighty, and quadrennially thereafter, with  
 5 reference to the amount owned on the first day of May, in the year in which the same  
 6 is assessed, including all property purchased on that day; which assessments, as modi-  
 7 fied or equalized as provided by law, shall be the assessment upon which taxes shall be  
 8 levied and extended during the quadrennial period for which the same is made: *Pro-*  
 9 *vided*, that no assessment of real property shall be considered as illegal by reason of the  
 10 same not being listed or assessed in the name of the owner or owners thereof.

66. The county clerk shall make up for the several towns or districts in his county,  
 2 in books to be provided for that purpose, the lists of lands and lots to be assessed for  
 3 taxes. When a whole section, half section, quarter section or half quarter section  
 4 belongs to one owner, it shall, at the request of the owner, or his agent, be listed as  
 5 one tract; and when all lots in the same block belong to one owner, they shall, at the  
 6 request of the owner, or his agent, be listed as a block. When several adjoining lots  
 7 in the same block belong to the same owner, they shall, at the request of the owner, or  
 8 his agent, be included in one description: *Provided*, that when any tract or parcel of  
 9 real estate is situated in more than one town, or in more than one school, road or other  
 10 district, the portion thereof in each town or district shall be listed separately. Said  
 11 clerk shall enter in the proper column, opposite the respective tracts or lots, the names  
 12 of the owners thereof, so far as he shall be able to ascertain the same. Said book shall  
 13 contain columns in which may be shown the name of the owner or owners of the tracts  
 14 or lots of land to be returned by the assessor; the number of acres or lots improved,  
 15 and the value thereof; the number of acres or lots not improved, and the value thereof;  
 16 the value of subsequent improvements made, and a column for loss in value of real estate  
 17 occasioned by the destruction of improvements, and a column for total value. Separate

18 columns shall also be ruled in said book to show the valuation as corrected and equalized  
 19 by the town board, in counties under township organization, by the county board, and  
 20 by the State Board of Equalization. Said books shall also contain proper columns for  
 21 the extension of taxes—the first for State, county, town and such other taxes as are  
 22 computed by an uniform rate upon all the taxable property throughout the township or  
 23 district, in the respective tax books, to be denominated "consolidated tax," which rates  
 24 shall be combined, and such taxes computed and set down in one item, opposite each  
 25 assessment. All other taxes shall be computed and set down in separate columns.  
 26 Said books shall contain such columns as may be necessary for the extension  
 27 of other taxes not computed by an uniform rate upon all the prop-  
 28 erty in such book, and also a column for total tax and a  
 29 column to show the amount paid to the town or district collector, and one to show the  
 30 amount paid the county collector, and such space as may be necessary to show the  
 31 date of payment and for whom paid. Each book shall be pagged in consecutive num-  
 32 bers, beginning with number one in each book, and each line on each double page of  
 33 such book shall be numbered consecutively, beginning with number one on each  
 34 double page of each book. In counties not under township organization, such book  
 35 shall be made up by congressional townships; but parts of townships, or fractional  
 36 townships less than full townships, may be added to full townships at the discretion of  
 37 the county board; in counties under township organization said books shall be made  
 38 to correspond with the organized townships. Separate books may be made for the  
 39 collection of all taxes within the corporate limits of cities, towns, and villages,  
 40 and for the collection of taxes on personal estate. This section shall not be  
 41 construed to interfere with the tax book provided for the use of county  
 42 collectors for collecting all taxes charged against railroad property and  
 43 telegraph companies, and the county clerk shall furnish the assessor of  
 44 the several towns and districts in his county, when necessary, a book or books  
 45 in which to note and assess the value of improvements made or destroyed, in years sub-  
 46 sequent to the general assessment of real estate. The county clerk shall make a tabu-  
 47 lar statement in each of said books, of the rate per cent of addition or deduction, as  
 48 made by the county and State boards of equalization, and the rate of extension of each

49 kind of tax made upon such books. Said books shall be ruled for the extension of four  
50 years taxes.

§ 69. The county clerk shall cause such assessment books, and all blank necessary  
2 ry to be used by the assessor in the assessment of real or personal property, to be in  
3 readiness for delivery to the assessor on or before the first day of May in the year for  
4 which such assessment is made.

§ 70. It shall be the duty of the county, town or district assessor to call on the  
2 county clerk on or before the first day of May, in the year 1880, and on the first day of  
3 May, quadrennially thereafter, for the assessor's books and blanks for the assessment of  
4 real estate, and on the first day of May, annually, for the books for the assessment of  
5 personal property and improvements made or destroyed, and the failure of any assessor  
6 to do so shall be deemed sufficient cause to declare his office vacant and for the appoint-  
7 ment of a successor.

§ 76. Assessors shall, between the first day of May and the first day of July, in the  
2 year 1880, and between the first day of May and the first day of July every fourth  
3 year thereafter, actually view and determine as nearly as practicable the fair cash  
4 value of each tract or lot of land listed for taxation, and set down in proper columns in  
5 the book furnished him the value of each tract or lot improved, the value of each tract  
6 or lot not improved, and the total value. Said assessor shall, between the first day  
7 of May and the first day of July, in each year after the regular assessment of real  
8 estate, report to the county clerk the value of improvements on any tract of land or  
9 lot which have been made or destroyed since the preceding general assessment of real  
10 estate, and not already reported, describing the premises upon which such improve-  
11 ments are or have been located, as the same are described in the general real estate as-  
12 sessment roll, in a book to be provided for that purpose, and it shall be the duty of the  
13 county clerk, upon the receipt of such assessment, to add to or deduct from the as-  
14 sessed value of the tracts of lands or lots upon which such improvements are  
15 or have been located, the values of the same as equalized by the town board, and  
16 the general assessment of real estate as modified by such additions or deductions shall  
17 be the assessment of real estate for such year.

§ 86. In counties under township organization, the assessor, clerk and supervisor of the  
2 town shall meet on the fourth Monday of June, in the year eighteen hundred and eighty

and every fourth year thereafter, for the purpose of reviewing the assessments of real and personal property in such town. And on the fourth Monday of June in every other year for the purpose of reviewing the assessment of personal property and of improvements made or destroyed. And on the application of any person considering himself aggrieved, or who shall complain that the property of another is assessed too low, they shall review the assessment and correct the same, as shall appear to them just. No complaint that another is assessed too low shall be acted upon until the person so assessed, or his agent, shall be notified of such complaint, if a resident of the county. Any two of said officers meeting, are authorized to act, and they may adjourn from day to day till they shall have finished the hearing of all cases presented on said day. Property assessed after the fourth Monday of June shall be subject to complaint to the county board, subject to the rules specified in this section.

§ 89. The assessor shall add up and note the aggregate of such column in his assessment books of real and personal property and improvements; and shall also add in each book, under proper headings, a tabular statement, showing the footings of the several columns upon each page; and shall add up and set down under the respective headings the totals of the several columns. When an assessor returns several assessment books of real and personal property, he shall, in addition to the tabular statements herein required, return a statement in like form, showing the totals of all the books.

§ 90. The assessor shall, on or before the first day of July of the year for which the assessment is made, return his assessment books to the county clerk, verified by his affidavit, substantially in the following form:

STATE OF ILLINOIS, }  
 - - - County. } ss.

I, \_\_\_\_\_, assessor of \_\_\_\_\_, do solemnly swear that the book to which this is attached contains a correct and full list of all the real property (or "personal property," or improvement as the case may be,) subject to taxation in \_\_\_\_\_, so far as I have been able to ascertain the same; and that the assessed value set down in the proper column opposite the several kinds and descriptions of property is, in each case, the fair cash value of such property, to the best of my knowledge and belief (where the assessment has been corrected by a town board, "except as corrected by the town board,"), and that the footings of the

14 several columns in said book, and tabular statement returned herewith, is correct as I  
15 verily believe.

§ 92. The several assessment and collector's books shall be filed in the office of the  
2 county clerk: *Provided*, that the county clerk shall, in the month of April 1881, and every  
3 fourth year thereafter, deliver to the town clerk of the several towns in the county, if  
4 required so to do, an abstract of the assessment of real estate for such town for the pre-  
5 ceding year, showing in whose name assessed, the description of the tract or lot, and the  
6 total assessed value; and shall also, in the said month of April in each year, deliver to  
7 said town clerks of the several towns in the county, the assessment books of the per-  
8 sonal property of their respective towns, together with the assessment of improvements  
9 made or destroyed, of the previous year; such books to be returned by town clerks to  
10 the county clerk's office before the first of July of the same year.

§ 98. On or before the tenth day of July, annually, it shall be the duty of county  
2 clerks, upon the receipt of the assessment books, to make out and transmit to the Aud-  
3 itor an abstract of the assessment of property, for such year, showing the number, value  
4 and average value of each kind of enumerated property, as shown by the assessment;  
5 the value of each item of unenumerated property, and total value of personal property;  
6 the length of main track, the length of side track, and the numbers, values and average  
7 values of each separate item of railroad property; the number of acres, value and aver-  
8 age value of improved lands; the number of acres, value and average value of unim-  
9 proved lands; the total number of acres, total value and average value, per acre, of all  
10 lands; the number, value and average value of improved town and city lots; the num-  
11 ber, value and average value of unimproved town and city lots; the total number of lots,  
12 total value and average value of all lots, and the total value of all property. Said ab-  
13 stracts shall be made out on blanks, which it shall be the duty of the Auditor  
14 to furnish the county clerks for that purpose. The values to be given in  
15 said abstract shall be the assessed valuations, except in the case of railroad property  
16 denominated "railroad track" and "rolling stock," the value of which shall be given as  
17 returned by the railroad company to the county clerk. The county clerk shall, at the  
18 same time, and accompanying said abstract, furnish a detailed statement of the railroad  
19 property denominated "railroad track" and "rolling stock," reported by each road lo-  
20 cated in or through their counties. If there are any roads so located that have not made

21 their reports as required by this act, the clerk shall report the fact, giving the name of  
22 such railroad.

§ 124. The county clerk shall annually make out for the use of collectors, in books  
2 to be furnished by the county, lists of taxable personal property, as assessed and  
3 equalized, and may, when authorized by resolution of the county board, make books  
4 for the extension of taxes on real estate for each year, excepting the year in which the  
5 general assessment of real estate is made.

§ 125. The county collector shall annually, and immediately after the sale of de-  
2 linquent real estate, deposit in the office of the county clerk the general real estate  
3 assessment and collection books, to be used for the extension of taxes under this act.

#### RATES—HOW EXTENDED.

§ 126. Said clerks shall extend upon the assessors' books the rates of addition or  
2 deduction ordered by the county board and State Board of Equalization, in the several  
3 columns provided for that purpose. The rates per cent. ordered by the State Board of  
4 Equalization shall be extended on the assessed valuation of property, as corrected and  
5 equalized by the county board. In all cases of extension of valuations where the equal-  
6 ized valuation shall happen to be fractional, the clerk shall reject all such fractions as  
7 may fall below fifty cents; fractions of fifty cents or more shall be extended as one dollar  
8 [See section 131.]

§ 128. All taxes levied by proper authorities shall be extended by the respective  
2 county clerks upon the property in their counties, upon the valuation produced by the  
3 equalization and assessment of property by the State Board of Equalization. All taxes  
4 of a uniform rate throughout a town under township organization, or throughout a dis-  
5 trict, in counties not under township organization, shall be extended in one column.  
6 District, village, city, and other taxes, not of such uniform rate, shall be extended in  
7 separate columns prepared for that purpose. In the extension of taxes, the clerk shall  
8 reject all fractions falling below half a cent; fractions of half a cent or more shall be  
9 extended as one cent.

#### COLLECTOR'S WARRANT.

§ 132. To each assessment or collectors book, a warrant, under the hand and official  
2 seal of the county clerk, shall be annexed each year, commanding the collector to collect



3 from the several persons named in said book, the several sums entered in the column of  
 4 totals opposite their respective names. The warrant shall direct the collector to pay  
 5 over the several kinds of taxes that may be collected by him, to the respective officers  
 6 entitled thereto, less the compensation for collection allowed him by law.

§ 161. The power and duty to levy and collect any tax due and unpaid, shall con-  
 2 tinue in and devolve upon the county collector and his successors in office, after his re-  
 3 turn and final settlement until the tax is paid; and the warrant attached to the collec-  
 4 tor's book, shall continue in force and confer authority upon the collector to whom the  
 5 same was issued, and upon his successors in office, to collect any tax due and uncollec-  
 6 ted thereon, although such books may have been returned, or the tax carried forward  
 7 into any other book. This section shall apply to all collectors books and tax warrants  
 8 heretofore issued, upon which taxes may be due and unpaid, as well as those hereafter  
 9 issued.

§ 162. Whenever any person shall pay the taxes charged on any property, the col-  
 2 lector shall enter such payment in his book, and give a receipt therefor, specifying for  
 3 whom paid, the amount paid, what year paid for, the property and equalized value  
 4 thereof on which the same was paid, according to its description in the collector's  
 5 book, in whole or in part of such description, as the case may be, and the several rates  
 6 of extension of taxes, and such entry and receipt shall bear the genuine signature of  
 7 the collector or his deputy receiving such payment; and whenever it shall appear that  
 8 any receipt for the payment of taxes shall be lost or destroyed, the entry so made may  
 9 be read in evidence in lieu thereof. The collector shall enter the name of the owner  
 10 or of the person paying tax, opposite each tract or lot of land when he collects the tax  
 11 thereon, and the post office address of the person paying said tax.

§ 170. If any town or district collector shall be unable to collect any tax on per-  
 2 sonal property, charged in the tax book, by reason of the removal or insolvency of the  
 3 person to whom said tax is charged, or on account of any error in the tax book, he shall  
 4 at the time of returning his book to the county collector, note in writing, opposite the  
 5 name of each person charged with such tax, the cause of failure to collect the same,  
 6 and shall make oath that the cause of delinquency or error noted is true and correct,  
 7 and that such sums remain due and unpaid, and that he has used due diligence to col-

lect the same, which affidavit shall be entered upon said collector's book, and be signed by the town or district collector.

§ 171. Upon the filing of said book, the county collector shall allow the town or district collector credit for the amount of taxes therein stated to be unpaid, and shall credit the same to the several funds for which said tax was charged. When the county collector makes settlement with the county board, such statements shall be sufficient voucher to entitle him to credit for the amount therein stated, less such amount thereof, if any, that may have been collected by him. In no case shall any town or district collector, or county collector, be entitled to abatements for personal property tax until the statement and affidavit are filed.

§ 172. Each town or district collector, at the time of returning his tax book to the county collector, shall make affidavit, to be entered upon such book and subscribed by the collector, that the taxes charged against each tract or lot, or assessment of personal property remain due and unpaid at the date of making such affidavit in each case where there does not appear in the proper column the amount of such taxes as having been paid to such collector, and the date of payment and the name of any person as having paid the same; which affidavit shall be *prima facie* evidence of the fact therein stated.

§ 180. On the application of any person to pay any tax or special assessment upon any real property, it shall be the duty of the county collector to make out to such person a receipt, in which shall be noted all taxes and assessments upon such property returned to such collector and not previously paid. Said receipt shall be provided with columns for the State equalized value and for the "consolidated" and other taxes, and shall show the several rates of extension of taxes.

§ 181. County collectors shall have the same powers, and may proceed in the same manner, for the collection of any tax on real or personal property, as town or district collectors; and if in any town or collection district the office of town or district collector is, or shall, become vacant, and such vacancy shall not be filled on or before the tenth day of March, next following such vacancy, or if, in any town or collection district the books for the collection of taxes for any reason have not been, or shall not be, delivered to the town or district collector, on or before the tenth day of March in any year the county clerk shall deliver all such collector's books to the county collector of such coun-

ty, having annexed to each of such books a warrant under the hand and official seal of the county clerk, commanding such county collector to collect from the several persons named in such books, the several sums of taxes therein charged opposite their respective names, and authorizing him in case any person named in such collector's books shall neglect or refuse to pay his personal property tax, to collect the same by distress and sale of the goods and chattels of such person. It shall thereupon be the duty of such county collector to collect and pay over all taxes, assessments, and other charges shown in such books, and to do all acts required of him by law, in like manner as if such taxes, assessments, and other charges, had been duly returned delinquent by a town or district collector. The collector's books so delivered to the county collector, by the county clerks, shall, for all purposes, in all subsequent proceedings, be used in the same manner, and have the same force and effect as if said books were delivered to the town or district collectors, and duly returned by them, as provided by law. When any injunction restraining the collection of taxes shall be dissolved after the tax books shall have been returned to the county collector, such taxes, or the portion thereof, upon which such injunction shall have been dissolved, shall be paid to the county collector, who shall have the same power and shall proceed in the same manner for the collection of such taxes, as though the same, or such portion thereof, had never been enjoined.

§ 188. The collector shall transcribe into a book, prepared for that purpose, and known as the tax, judgment, sale, redemption and forfeiture record, the list of delinquent lands and lots, which shall be made out in numerical order, and contain all the information necessary to be recorded, at least five days before the commencement of the term at which application for judgment is to be made; which book shall set forth the name of the owner, if known, the proper description of the land or lot, the year or years for which the tax or special assessments are due, the valuation on which the tax is extended, the amount of the consolidated and other taxes and special assessments, the costs and total amount of charges against such land or lot; said book shall also be ruled in columns, so as to show the amount paid before the rendition of judgment, the amount of judgment, and a column for remarks, the amount paid before sale and after the rendition of said judgment, the amount of the sale, amount of interest or penalty, amount of cost, amount forfeited to the State, date of sale, acres or part sold, name of pur-

14 chaser, amount of sale and penalty, taxes of succeeding years, interest and when paid,  
 15 interest and cost, total amount of redemption, sale of redemption, when deed executed,  
 16 by whom redeemed, and a column for remarks or receipt, if redemption money.

§ 189. Any person owning or claiming lands or lots upon which judgment is  
 2 prayed, as provided in this act, may, in person, or by agent, pay the taxes, special assess-  
 3 ments, interest and costs due thereon, to the county collector of the county in which  
 4 the same are situated, at any time before sale.

§ 190. On the first day of the term at which judgment on delinquent lands and lots  
 2 is prayed, it shall be the duty of the collector to report to the clerk all the lands or lots,  
 3 as the case may be, upon which taxes and special assessments have been paid, if any,  
 4 from the filing of the list mentioned in section one hundred and eighty-eight up to  
 5 that time; and the clerk shall note the fact opposite each tract upon which such pay-  
 6 ments have been made. The collector, assisted by the clerk, shall compare and correct  
 7 said list, and shall make and subscribe an affidavit, which shall be, as nearly as may be,  
 8 in the following form:

9 I, \_\_\_\_\_, collector of the county of \_\_\_\_\_, do solemnly  
 10 swear (or affirm, as the case may be,) that the foregoing is a true and correct list of the  
 11 delinquent lands and lots within the county of \_\_\_\_\_ upon which I have  
 12 been unable to collect the taxes (and special assessments, interest, and printer's fees, if  
 13 any,) charged thereon, as required by law, for the year or years therein set forth; that  
 14 said taxes now remain due and unpaid, as I verily believe.

15 Said affidavit shall be entered at the end of the list, and signed by the collector.

§ 193. If judgment is rendered by any court, at any time, against any lands or lots,  
 2 for any tax or special assessment, the county collector shall, after publishing a notice  
 3 for sale, in compliance with the requirements of section 182 of this chapter, proceed to  
 4 execute such judgment by the sale of lots and lands against which such judgment has  
 5 been rendered: *Provided, however,* that in case of an appeal from any such judgment,  
 6 the collector shall not sell until such appeal is disposed of.

§ 194. On the day advertised for sale, the county clerk, assisted by the collector,  
 2 shall carefully examine said list upon which judgment has been rendered, and see that  
 3 all payments have been properly noted thereon, and said clerk shall make a certificate  
 4 to be entered on said record, following the order of court that such record is correct

5 and that judgment was rendered upon the property therein mentioned for the taxes,  
 6 interest and costs due thereon, which certificate shall be attested by the clerk under  
 7 seal of the court, and shall be the process on which all real property or any interest  
 8 therein shall be sold for taxes, special assessments, interests and costs due thereon, and  
 9 may be substantially in the following form:

10 I, \_\_\_\_\_ clerk of the county court, in and for the county of \_\_\_\_\_  
 11 do hereby certify that the foregoing is a true and correct record of the delinquent real  
 12 estate in said county, against which judgment and order of sale was duly entered in  
 13 the county court of said county, on the \_\_\_\_\_ day of \_\_\_\_\_ 18\_\_\_\_, for  
 14 the amount of the taxes, special assessments, interests and costs due severally thereon  
 15 as therein set forth, and that the judgment and order of court in relation thereto fully  
 16 appears on said record.

§ 200. Said book shall be known and designated as the judgment sale, redemption  
 5 and forfeited record, and be kept in the office of the county clerk.

§ 211. If any purchaser of real estate sold for taxes or special assessment shall  
 2 suffer the same to be forfeited to the State, or again sold for taxes or special assess-  
 3 ment, before the expiration of the last day of the second annual sale thereafter, such  
 4 purchaser shall not be entitled to a deed for such real property until the expiration of  
 5 a like term from the date of the second sale or forfeiture, during which time the land  
 6 shall be subject to redemption, upon the terms and conditions prescribed in this act;  
 7 but the person redeeming shall only be required to pay, for the use of such first pur-  
 8 chaser, the amount paid by him. The second purchaser, if any, shall be entitled to  
 9 the redemption money, as provided for in the preceding section: *Provided, however*, it  
 10 shall not be necessary for any municipal corporation which shall bid in its own delin-  
 11 quent special assessments, at any sale, in default of other bidders, to protect the prop-  
 12 erty from subsequent forfeitures or sales, as above required in this section.

§ 2. Sections one hundred and twenty-four, one hundred and ninety-five, one hun-  
 2 dred and ninety-eight, two hundred and twenty-six, and two hundred and ninety-nine  
 3 of an act entitled "An act for the assessment of property, and for the levy and collec-  
 4 tion of taxes," approved March 30, 1872; in force July 1, 1872, are hereby repealed.

1. Introduced by Mr. McClellan, from Committee on Revenue, March 26, and ordered to first reading.
2. First reading March 26, and ordered to second reading.

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## A BILL

For an act to amend section fifty-eight, sixty-six, as heretofore amended; sixty-nine, seventy, seventy-six, eighty-six, eighty-nine, ninety, ninety-two, as heretofore amended; ninety-eight, one hundred and twenty-three, one hundred and twenty-five, one hundred and twenty-six, one hundred and twenty-eight, one hundred and thirty-two, one hundred and sixty-one, one hundred and sixty-three, one hundred and seventy, one hundred and seventy-one, one hundred and seventy-two, one hundred and eighty, one hundred and eighty-one, as heretofore amended; one hundred and eighty-eight, one hundred and eighty-nine, one hundred and ninety, one hundred and ninety-three, as heretofore amended; one hundred and ninety-four, two hundred, and two hundred and eleven of an act entitled "An act for the assessment of property and for the levy and collection of taxes," approved March 30, 1872; in force July 1, 1872, and to repeal sections one hundred and twenty-four, one hundred and ninety-five, one hundred and ninety-eight, two hundred and twenty-six, and two hundred and ninety-nine of said act.

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SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly, That sections fifty-eight, sixty-six, as heretofore amended; sixty-nine, seventy, seventy-six, eighty-six, eighty-nine, ninety, ninety-two, as heretofore amended; ninety-eight, one hundred and twenty-three, one hundred and twenty-five, one hundred and twenty-six, one hundred and twenty-eight, one hundred and thirty-two, one hundred and sixty-one, one hundred and sixty-three, one hundred and seventy, one hundred and seventy-one, one hundred and seventy-two, one hundred and eighty, one*

8 hundred and eighty one, as heretofore amended; one hundred and eighty-eight, one  
 9 hundred and eighty-nine, one hundred and ninety, one hundred and ninety-three, as  
 10 heretofore amended; one hundred and ninety-four, two hundred, and two hundred and  
 11 eleven of an act entitled "An Act for the assessment of property, and for the levy and  
 12 collection of taxes," approved March 30, 1872; in force July 1, 1872, be and the same  
 13 are hereby amended to read as follows:

§ 58. All real property in this State, subject to taxation under this act, including  
 2 real estate becoming taxable for the first time, shall be listed to the owners thereof, by  
 3 such owners, their agents, county clerks or assessors, or the county board, and assessed  
 4 for the year one thousand eight hundred and eighty, and quadrennially thereafter, with  
 5 reference to the amount owned on the first day of May, in the year in which the same  
 6 is assessed, including all property purchased on that day; which assessments, as modi-  
 7 fied or equalized as provided by law, shall be the assessment upon which taxes shall be  
 8 levied and extended during the quadrennial period for which the same is made: *Pro-*  
 9 *vided*, that no assessment of real property shall be considered as illegal by reason of the  
 10 same not being listed or assessed in the name of the owner or owners thereof.

§ 66. The county clerk shall make up for the several towns or districts in his county,  
 2 in books to be provided for that purpose, the lists of lands and lots to be assessed for  
 3 taxes. When a whole section, half section, quarter section or half quarter section  
 4 belongs to one owner, it shall, at the request of the owner, or his agent, be listed as  
 5 one tract; and when all lots in the same block belong to one owner, they shall, at the  
 6 request of the owner, or his agent, be listed as a block. When several adjoining lots  
 7 in the same block belong to the same owner, they shall, at the request of the owner, or  
 8 his agent, be included in one description: *Provided*, that when any tract or parcel of  
 9 real estate is situated in more than one town, or in more than one school, road or other  
 10 district, the portion thereof in each town or district shall be listed separately. Said  
 11 clerk shall enter in the proper column, opposite the respective tracts or lots, the names  
 12 of the owners thereof, so far as he shall be able to ascertain the same. Said book shall  
 13 contain columns in which may be shown the name of the owner or owners of the tracts  
 14 or lots of land to be returned by the assessor; the number of acres or lots improved,  
 15 and the value thereof; the number of acres or lots not improved, and the value thereof;  
 16 the value of subsequent improvements made, and a column for loss in value of real estate

17 occasioned by the destruction of improvements, and a column for total value. Separate  
18 columns shall also be ruled in said book to show the valuation as corrected and  
19 equalized by the town board, in counties under township organization, by the county  
20 board, and by the State Board of Equalization. Said books shall also contain proper  
21 columns for the extension of taxes—the first for State, county, town and such other  
22 taxes as are computed by an uniform rate upon all the taxable property throughout  
23 the township or district, in the respective tax books, to be denominated “consolidated  
24 tax,” which rates shall be combined, and such taxes computed and set down in one  
25 item, opposite each assessment. All other taxes shall be computed and set down  
26 in separate columns. Said book shall contain such columns as may be necessary  
27 for the extension of other taxes not computed by an uniform rate upon all the  
28 property in such book, and also a column for total tax and a column to  
29 show the amount paid to the town or district collector, and one to show the  
30 amount paid the county collector, and such space as may be necessary to show the  
31 date of payment and for whom paid. Each book shall be paged in consecutive num-  
32 bers, beginning with number one in each book, and each line on each double page of  
33 such book shall be numbered consecutively, beginning with number one on each  
34 double page of each book. In counties not under township organization, such book  
35 shall be made up by congressional townships; but parts of townships, or fractional  
36 townships less than full townships, may be added to full townships at the discretion of  
37 the county board; in counties under township organization said books shall be made  
38 to correspond with the organized townships. Separate books may be made for the  
39 collection of all taxes within the corporate limits of cities, towns and villages  
40 and for the collection of taxes on personal estate. This section shall not be  
41 construed to interfere with the tax book provided for the use of county  
42 collectors for collecting all taxes charged against railroad property and  
43 telegraph companies, and the county clerk shall furnish the assessor of  
44 the several towns and districts in his county, when necessary, a book or books  
45 in which to note and assess the value of improvements made or destroyed, in years sub-  
46 sequent to the general assessment of real estate. The county clerk shall make a tabu-  
47 lar statement in each of said books of the rate per cent. of addition or deduction, as  
48 made by the county and State boards of equalization, and rate of extension of each



kind of tax made upon such books. Said books shall be ruled for the extension of four years' taxes.

§ 69. The county clerk shall cause such assessment books, and all blanks necessary to be used by the assessor in the assessment of real or personal property, to be in readiness for delivery to the assessor on or before the first day of May in the year for which such assessment is made.

§ 70. It shall be the duty of the county, town or district assessor to call on the county clerk on or before the first day of May, in the year 1890, and on the first day of May quadrennially thereafter, for the assessor's books and blanks for the assessment of real estate, and on the first day of May, annually, for the books for the assessment of personal property and improvements made or destroyed, and the failure of any assessor to do so shall be deemed sufficient cause to declare his office vacant, and for the appointment of a successor.

§ 76. Assessors shall, between the first day of May and the first day of July, in the year 1890, and between the first day of May and the first day of July every fourth year thereafter, actually view and determine as nearly as practicable the fair cash value of each tract or lot of land listed for taxation, and set down in proper columns in the book furnished him the value of each tract or lot improved, the value of each tract or lot not improved, and the total value. Said assessor shall, between the first day of May and the first day of July, in each year after the regular assessment of real estate, report to the county clerk the value of improvements on any tract of land or lot which have been made or destroyed since the preceding general assessment of real estate, and not already reported, describing the premises upon which such improvements are or have been located, as the same are described in the general real estate assessment roll, in a book to be provided for that purpose, and it shall be the duty of the county clerk, upon the receipt of such assessment, to add to or deduct from the assessed value of the tracts of lands or lots upon which such improvements are or have been located, the values of the same as equalized by the town board, and the general assessment of real estate as modified by such additions or deductions shall be the assessment of real estate for such year.

§ 86. In counties under township organization the assessor, clerk and supervisor of the town shall meet on the fourth Monday of June, in the year eighteen hundred and eighty-

3 and every fourth year thereafter, for the purpose of reviewing the assessments of real  
 4 and personal property in such town. And on the fourth Monday in June in every other  
 5 year for the purpose of reviewing the assessment of personal property and of improve-  
 6 ments made or destroyed. And on the application of any person considering himself  
 7 aggrieved, or who shall complain that the property of another is assessed too low, they  
 8 shall review the assessment and correct the same, as shall appear to them just. No com-  
 9 plaint that another is assessed too low shall be acted upon until the person so assessed,  
 10 or his agent, shall be notified of such complaint, if a resident of the county. Any two  
 11 of said officers meeting, are authorized to act, and they may adjourn from day to day  
 12 till they shall have finished the hearing of all cases presented on said day. Property  
 13 assessed after the fourth Monday of June shall be subject to complaint to the county  
 14 board, subject to the rules specified in this section.

§ 89. The assessor shall add up and note the aggregate of such column in his assess-  
 2 ment books of real and personal property and improvements; and shall also add in each  
 3 book, under proper headings, a tabular statement, showing the footings of the several  
 4 columns upon each page, and shall add up and set down under the respective headings  
 5 the totals of the several columns. When an assessor returns several assessment books  
 6 of real and personal property, he shall, in addition to the tabular statements herein re-  
 7 quired, return a statement in like form, showing the totals of all the books.

§ 90. The assessor shall, on or before the first day of July of the year for which the  
 2 assessment is made, return his assessment books to the county clerk, verified by his affi-  
 3 davit, substantially in the following form:

4 STATE OF ILLINOIS, }  
 5 County } ss.

6 I, \_\_\_\_\_, assessor of \_\_\_\_\_, do solemnly  
 7 swear that the book to which this is attached contains a correct and full list of all the  
 8 real property (or "personal property," or improvement, as the case may be,) subject  
 9 to taxation in \_\_\_\_\_, so far as I have been able to ascertain the same;  
 10 and that the assessed value set down in the proper column opposite the several kinds  
 11 and descriptions of property is, in each case, the fair cash value of such property, to  
 12 the best of my knowledge and belief (where the assessment has been corrected by the  
 13 town board, "except as corrected by the town board"), and that the footings of the

14 several columns in said book, and tabular statement returned herewith is correct, as I  
15 verily believe.

§ 92. The several assessment and collector's books shall be filed in the office of the  
2 county clerk: *Provided*, that the county clerk shall, in the month of April, 1881, and  
3 every fourth year thereafter, deliver to the town clerk of the several towns in the county,  
4 if required so to do, an abstract of the assessment of real estate for such town for the  
5 preceding year, showing in whose name assessed, the description of the tract or lot, and  
6 the total assessed value; and shall also, in the said month of April in each year, deliver  
7 to said town clerks of the several towns in the county, the assessment books of the per-  
8 sonal property of their respective towns, together with the assessment of improvements  
9 made or destroyed, of the previous year; such books to be returned by town clerks to  
10 the county clerk's office before the first of July of the same year.

§ 98. On or before the tenth day of July, annually, it shall be the duty of county  
2 clerks, upon the receipt of the assessment books, to make out and transmit to the Audi-  
3 tor an abstract of the assessment of property for such year, showing the number, value  
4 and average value of each kind of enumerated property, as shown by the assessment:  
5 the value of each item of unenumerated property, and total value of personal property;  
6 the length of main track, the length of side track, and the numbers, values and average  
7 values of each separate item of railroad property; the number of acres, value and aver-  
8 age value of improved lands; the number of acres, value and average value of unim-  
9 proved lands; the total number of acres, total value and average value per acre of all  
10 lands; the number, value and average value of improved town and city lots; the num-  
11 ber, value and average value of unimproved town and city lots; the total number of lots,  
12 total value and average value of all lots, and the total value of all property. Said ab-  
13 stracts shall be made out on blanks, which it shall be the duty of the Auditor  
14 to furnish the county clerks for that purpose. The values to be given in  
15 said abstract shall be the assessed valuations, except in the case of railroad property  
16 denominated "railroad track" and "rolling stock," the value of which shall be given as  
17 returned by the railroad company to the county clerk. The county clerk shall, at the  
18 same time, and accompanying said abstract, furnish a detailed statement of the railroad  
19 property denominated "railroad track" and "rolling stock," reported by each road  
20 located in or through their counties. If there are any roads so located that have not made

21 their reports as required by this act, the clerk shall report the fact, giving the name of  
 22 such railroad.

§ 123. The county clerk shall annually make out for the use of collectors, in books  
 2 to be furnished by the county, lists of taxable personal property, as assessed and equal-  
 3 ized, and may, when authorized by resolution of the county board, make books for the  
 4 extension of taxes on real estate for each year, excepting the year in which the general  
 5 assessment of real estate is made.

§ 125. The county collector shall annually, and immediately after the sale of delin-  
 2 quent real estate, deposit in the office of the county clerk the general real estate assess-  
 3 ment and collection books, to be used for the extension of taxes under this act.

#### RATES—HOW EXTENDED.

§ 126. Said clerks shall extend upon the assessors' books the rates of addition or  
 2 deduction ordered by the county board and State Board of Equalization, in the several  
 3 columns provided for that purpose. The rates per cent. ordered by the State Board of  
 4 Equalization shall be extended on the assessed valuation of property, as corrected and  
 5 equalized by the county board. In all cases of extension of valuations where the equal-  
 6 ized valuation shall happen to be fractional, the clerk shall reject all such fractions as  
 7 may fall below fifty cents; fractions of fifty cents or more shall be extended as one dol-  
 8 lar. [See section 131.]

§ 128. All taxes levied by proper authorities shall be extended by the respective  
 2 county clerks upon the property in their counties, upon the valuation produced by the  
 3 equalization and assessment of property by the State Board of Equalization. All taxes  
 4 of a uniform rate throughout a town under township organization, or throughout a dis-  
 5 trict, in counties not under township organization, shall be extended in one column;  
 6 District, village, city and other taxes, not of such uniform rate, shall be extended in  
 7 separate columns prepared for that purpose. In the extension of taxes, the clerk shall  
 8 reject all fractions falling below half a cent; fractions of half a cent or more shall be  
 9 extended as one cent.

#### COLLECTOR'S WARRANT.

§ 132. To each assessment or collector's book, a warrant, under the hand and official  
 2 seal of the county clerk, shall be annexed each year, commanding the collector to collect

3 from the several persons named in said book, the several sums entered in the column  
 4 of totals opposite their respective names. The warrant shall direct the collector to pay  
 5 over the several kinds of taxes that may be collected by him, to the respective officers  
 6 entitled thereto, less the compensation for collection allowed him by law.

§ 161. The power and duty to levy and collect any tax due and unpaid, shall contin-  
 2 ue in and devolve upon the county collector and his successors in office, after his return  
 3 and final settlement until the tax is paid; and the warrant attached to the collector's  
 4 book, shall continue in force and confer authority upon the collector to whom the  
 5 same was issued, and upon his successors in office, to collect any tax due and uncollec-  
 6 ted thereon, although such books may have been returned, or the tax carried forward  
 7 into any other book. This section shall apply to all collectors' books and tax warrants  
 8 heretofore issued, upon which taxes may be due and unpaid, as well as those hereafter  
 9 issued.

§ 163. Whenever any person shall pay the taxes charged on any property, the col-  
 2 lector shall enter such payment in his book and give a receipt therefor, specifying for  
 3 whom paid, the amount paid, what year paid for, the property and equalized value  
 4 thereof on which the same was paid, according to its description in the collector's  
 5 book, in whole or in part of such description, as the case may be, and the several rates  
 6 of extension of taxes, and such entry and receipt shall bear the genuine signature of the  
 7 collector or his deputy receiving such payment; and whenever it shall appear that any  
 8 receipt for the payment of taxes shall be lost or destroyed, the entry so made may be  
 9 read in evidence in lieu thereof. The collector shall enter the name of the owner or of  
 10 the person paying tax, opposite each tract or lot of land when he collects the tax there-  
 11 on, and the postoffice address of the person paying said tax.

§ 170. If any town or district collector shall be unable to collect any tax on per-  
 3 sonal property, charged in the tax book, by reason of the removal or insolvency of the  
 4 person to whom said tax is charged, or on account of any error in the tax book, he shall  
 5 at the time of returning his book to the county collector, note in writing, opposite the  
 6 name of each person charged with such tax, the cause of failure to collect the same,  
 7 and shall make oath that the cause of delinquency or error noted is true and correct,  
 8 and that such sums remain due and unpaid, and that he has used due diligence to col-

8 lect the same, which affidavit shall be entered upon said collector's book, and be signed  
9 by the town or district collector.

§ 171. Upon the filing of said book, the county collector shall allow the town or dis-  
2 trict collector credit for the amount of taxes therein stated to be unpaid, and shall credit  
3 the same to the several funds for which said tax was charged. When the county col-  
4 lector makes settlement with the county board, such statements shall be sufficient  
5 voucher to entitle him to credit for the amount therein stated, less such amount thereof,  
6 if any, that may have been collected by him. In no case shall any town or district col-  
7 lector, or county collector, be entitled to abatements for personal property tax until the  
8 statement and affidavit are filed.

§ 172. Each town or district collector, at the time of returning his tax book to the  
2 county collector, shall make affidavit, to be entered upon such book and subscribed by  
3 the collector, that the taxes charged against each tract or lot, or assessment of personal  
4 property remain due and unpaid at the date of making such affidavit in each case  
5 where there does not appear in the proper column the amount of such taxes as having  
6 been paid to such collector, and the date of payment and the name of any person as  
7 having paid the same; which affidavit shall be *prima facie* evidence of the fact therein  
8 stated.

§ 180. On the application of any person to pay any tax or special assessment upon  
2 any real property, it shall be the duty of the county collector to make out to such per-  
3 son a receipt, in which shall be noted all taxes and assessments upon such property  
4 returned to such collector and not previously paid. Said receipt shall be provided with  
5 columns for the State equalized value, and for the "consolidated" and other taxes, and  
6 shall show the several rates of extension of taxes.

§ 181. County collectors shall have the same powers, and may proceed in the same  
2 manner for the collection of any tax on real or personal property, as town or district  
3 collectors; and it in any town or collection district the office of town or district collector  
4 is or shall become vacant, and such vacancy shall not be filled on or before the tenth  
5 day of March next following such vacancy, or if in any town or collection district the  
6 books for the collection of taxes, for any reason, have not been or shall not be delivered  
7 to the town or district collector on or before the tenth day of March in any year, the  
8 county clerk shall deliver all such collector's books to the county collector of such coun-

ty, having annexed to each of such books a warrant under the hand and official seal of the county clerk, commanding such county collector to collect from the several persons named in such books, the several sums of taxes therein charged, opposite their respective names, and authorizing him, in case any person named in such collector's books shall neglect or refuse to pay his personal property tax, to collect the same by distress and sale of the goods and chattels of such person. It shall thereupon be the duty of such county collector to collect and pay over all taxes, assessments, and other charges shown in such books, and to do all acts required of him by law, in like manner as if such taxes, assessments, and other charges, had been duly returned delinquent by a town or district collector. The collector's books so delivered to the county collector, by the county clerks, shall, for all purposes, in all subsequent proceedings, be used in the same manner, and have the same force and effect as if said books were delivered to the town or district collectors, and duly returned by them, as provided by law. When any injunction restraining the collection of taxes shall be dissolved after the tax books shall have been returned to the county collector, such taxes, or the portion thereof, upon which such injunction shall have been dissolved, shall be paid to the county collector, who shall have the same power and shall proceed in the same manner for the collection of such taxes as though the same, or such portion thereof, had never been enjoined.

§ 188. The collector shall transcribe into a book prepared for that purpose, and known as the tax, judgment, sale, redemption and forfeiture record, the list of delinquent lands and lots, which shall be made out in numerical order, and contain all the information necessary to be recorded, at least five days before the commencement of the term at which application for judgment is to be made; which book shall set forth the name of the owner, if known, the proper description of the land or lot, the year or years for which the tax or special assessments are due, the valuation on which the tax is extended, the amount of the consolidated and other taxes and special assessments, the costs and total amount of charges against such land or lot. Said book shall also be ruled in columns, so as to show the amount paid before the rendition of judgment, the amount of judgment, and a column for remarks, the amount paid before sale and after the rendition of said judgment, the amount of the sale, amount of interest or penalty, amount of cost, amount forfeited to the State, date of sale, acres or part sold, name of pur-

14 chaser, amount of sale and penalty, taxes of succeeding years, interest and when paid,  
 15 interest and cost, total amount of redemption, sale of redemption, when deed executed,  
 16 by whom redeemed, and a column for remarks or receipt, if redemption money.

§ 189. Any person owning or claiming lands or lots upon which judgment is prayed,  
 2 as provided in this act, may, in person or by agent, pay the taxes, special assessments,  
 3 interest and costs due thereon, to the county collector of the county in which the same  
 4 are situated, at any time before sale.

§ 190. On the first day of the term at which judgment on delinquent lands and lots  
 2 is prayed, it shall be the duty of the collector to report to the clerk all the lands or lots  
 3 as the case may be, upon which taxes and special assessments have been paid, if any,  
 4 from the filing of the list mentioned in section one hundred and eighty eight up to that  
 5 time; and the clerk shall note the fact opposite each tract upon which such payments  
 6 have been made. The collector, assisted by the clerk, shall compare and correct said  
 7 list, and shall make and subscribe an affidavit, which shall be, as nearly as may be, in  
 8 the following form:

9 I, \_\_\_\_\_, collector of the county of \_\_\_\_\_, do solemnly  
 10 swear (or affirm, as the case may be,) that the foregoing is a true and correct list of the  
 11 delinquent lands and lots within the county of \_\_\_\_\_ upon which I have  
 12 been unable to collect the taxes (and special assessments, interest, and printer's fees, if  
 13 any,) charged thereon, as required by law, for the year or years therein set forth; that  
 14 said taxes now remain due and unpaid, as I verily believe.

15 Said affidavit shall be entered at the end of the list, and signed by the collector.

§ 193. If judgment is rendered by any court, at any time, against any lands or lots,  
 2 for any tax or special assessment, the county collector shall, after publishing a notice  
 3 for sale, in compliance with the requirements of section 182 of this chapter, proceed to  
 4 execute such judgment by the sale of lots and lands against which such judgment has  
 5 been rendered: *Provided, however,* that in case of an appeal from any such judgment,  
 6 the collector shall not sell until such appeal is disposed of.

§ 194. On the day advertised for sale, the county clerk, assisted by the collector,  
 2 shall carefully examine said list upon which judgment has been rendered, and see that  
 3 all payments have been properly noted thereon, and said clerk shall make a certificate  
 4 to be entered on said record, following the order of court that such record is correct



5 and that judgment was rendered upon the property therein mentioned for the taxes,  
 6 interest and costs due thereon, which certificate shall be attested by the clerk under  
 7 seal of the court, and shall be the process on which all real property or any interest  
 8 therein shall be sold for taxes, special assessments, interests and costs due thereon, and  
 9 may be substantially in the following form :

10 I, \_\_\_\_\_, clerk of the county court, in and for the county of \_\_\_\_\_,  
 11 do hereby certify that the foregoing is a true and correct record of the delinquent real  
 12 estate in said county, against which judgment and order of sale was duly entered in  
 13 the county court of said county, on the \_\_\_\_\_ day of \_\_\_\_\_, 18\_\_\_\_, for  
 14 the amount of the taxes, special assessments, interests and costs due severally thereon,  
 15 as therein set forth, and that the judgment and order of court in relation thereto fully  
 16 appears on said record.

§ 200. Said book shall be known and designated as the judgment, sale, redemption  
 2 and forfeited record, and be kept in the office of the county clerk.

§ 211. If any purchaser of real estate sold for taxes or special assessment shall  
 2 suffer the same to be forfeited to the State, or again sold for taxes or special assess-  
 3 ment, before the expiration of the last day of the second annual sale thereafter, such  
 4 purchaser shall not be entitled to a deed for such real property until the expiration of  
 5 a like term from the date of the second sale or forfeiture, during which time the land  
 6 shall be subject to redemption, upon the terms and conditions prescribed in this act;  
 7 but the person redeeming shall only be required to pay, for the use of such first pur-  
 8 chaser, the amount paid by him. The second purchaser, if any, shall be entitled to  
 9 the redemption money, as provided for in the preceding section: *Provided, however*, it  
 10 shall not be necessary for any municipal corporation which shall bid in its own delin-  
 11 quent special assessments, at any sale, in default of other bidders, to protect the property  
 12 from subsequent forfeitures or sales, as above required in this section.

§ 2. Sections one hundred and twenty-four, one hundred and ninety-five, one hun-  
 2 dred and ninety-eight, two hundred and twenty-six, and two hundred and ninety-nine  
 3 of an act entitled "An act for the assessment of property, and for the levy and collec-  
 4 tion of taxes," approved March 30, 1872; in force July 1, 1872, are hereby repealed.

1. Introduced by Mr. McClellan, from Committee on Revenue, March 26, 1879, and ordered to a first reading.
2. First reading March 26, 1879, and ordered to a second reading.

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### A BILL

For an act to amend section one hundred and eighty-two, as heretofore amended, one hundred and eighty-three, one hundred and eighty-four, one hundred and eighty-five, as heretofore amended, one hundred and eighty-six, of an act entitled "An act for the assessment of property, and for the levy and collection of taxes," approved March 30, 1872, in force July 1, 1872; to repeal section one hundred and eighty-seven of said act; to amend section one of an act entitled "An act in relation to the collection of taxes and special assessments," approved and in force May 2, 1873; and to repeal section two of said last named act, for the purpose of facilitating the sale of lands delinquent for taxes and special assessments.

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SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That section one hundred and eighty two, as heretofore amended, one hundred and eighty-three, one hundred and eighty-four, one hundred and eighty-five, as heretofore amended, and one hundred and eighty-six of an act entitled "An act for the assessment of property and for the levy and collection of taxes," approved March 30, 1872, in force July 1, 1872, be and the same are hereby amended to read as follows:*

§ 182. At any time after the first day of April next, after such delinquent taxes and special assessment on lands and lots shall become due, the collector shall publish an advertisement, giving notice of the intended application for judgment for sale of such delinquent lands and lots, in a newspaper published in his county, if any such there be,

5 and if there be no such paper published in his county, then in the nearest newspaper in  
 6 this State to the county seat of such county. Said advertisement shall be once pub-  
 7 lished, at least ten days previous to the term of the county court, at which judgment is  
 8 prayed, and it shall be sufficient that such notice briefly specify the respective warrants  
 9 upon which such application is to be made. The advertisement so published, shall be  
 10 deemed and taken to be sufficient and legal notice of the aforesaid intended applica-  
 11 tion by the collector to such court for judgment. After the rendition of judgment, said  
 12 collector shall publish in a newspaper, printed in his county, if any such there be, and  
 13 if there be no such paper published in his county, then in the nearest newspaper in this  
 14 State to the county seat of such county, a notice that all the lots and lands against  
 15 which judgment has been rendered and remains unsatisfied will be exposed to public  
 16 sale at the building where the county court is held for said county, for the amount due  
 17 upon the judgment against the same, which notice shall contain a description of the  
 18 lands and lots to be sold, the names of the owners, if known, the amount of the judg-  
 19 ment against the same, and the day of sale, which notice shall be once published at  
 20 least ten days before the day of sale.

§ 183. When it becomes necessary to charge the tax on personal property against real  
 2 estate, the collector shall select for that purpose some particular tract or lot of real  
 3 property owned by the person owing such personal property tax; and in his applica-  
 4 tion for judgment and order of sale, shall designate the particular tracts or lots of  
 5 real property against which such personal property tax is charged; and the court shall  
 6 take cognizance thereof and render judgment against such tract or lot of real estate,  
 7 for such personal property tax, though the taxes levied upon such real estate for the  
 8 current year may have been paid.

§ 184. In all record proceedings for the sale of lands and lots for taxes or special as-  
 2 sessments, and investments to be made by the collector, clerk of the court or other offi-  
 3 cer, letters, figures and characters may be used to denote sections, townships, ranges,  
 4 parts of sections, lots or blocks, or parts thereof, the year or years for which taxes are  
 5 due, and the amount of the same.

185. All applications for judgment and order of sale for taxes and special assess-  
 2 ments for delinquent lands and lots, shall be made at the May term of the county  
 3 court. If, for any cause, the collector is prevented from advertising and obtaining

judgment at said term, it shall be held to be legal to obtain judgment at any subsequent term of said court; but if the failure arises by the county collector's not complying with any of the requirements of this act, he shall be held on his official bond, for the full amount of all taxes and special assessments charged against him.

§ 186. The printer, publisher, financial officer or agent of the newspaper publishing the notice required in section 182 of this act, shall transmit by mail or other conveyance to the collector four copies of the paper containing said notice, to one of which copies he shall attach his certificate, under oath, of the due publication of said notice for the time required by law, (which copy shall be presented by the collector to the county court at the time judgment is prayed), and said copy shall be filed as a part of the records of said court. Upon the receipt of said papers, and on demand being made, the collector shall pay to the printer the amount of the fee allowed by law for publishing such notice, and it shall be his duty to file one copy of said paper in his office, and deliver one copy to the auditor, and one copy to the State Treasurer, who shall file and preserve them in their offices.

§ 2. Section one of an act entitled "An Act in relation to the collection of taxes and special assessments," approved and in force May 2, 1873, is hereby amended so as to read as follows:

§ 1. When a return to the county collector has been made, or shall hereafter be made, of any real estate delinquent for any special assessment or annual assessment thereof, levied by an incorporated city, town or village, or by any corporate authorities, commissioners or persons, pursuant to law, and the description or sub-division of any real estate described in such return, is different from the description or sub-division thereof as described in the town or district collector's book returned to such county collector, the said real estate may be described in the judgment, sale, redemption and forfeiture record, according to the description thereof in the real estate tax assessment and collection books; and like proceedings shall be had in the application for judgment and the judgment thereon, the sale and issuance of the certificate of the sale thereof, redemption from such sale and issuance of deed thereon, to those required by law to be had in regard to lands delinquent for State and county taxes.

§ 3. - Section one hundred and eighty-seven of an act entitled "An act for the assessment of property, and for the levy and collection of taxes," approved March 30, 1873;

3 in force July 1, 1872, and section two of an act entitled "An act in relation to the col-  
4 lection of taxes and special assessments," approved and in force May 2, 1873, are hereby  
5 repealed.

1. Introduced by Mr. McClellan, from Committee on Revenue, March 26, and ordered to first reading.
2. First reading March 26, 1879, and ordered to a second reading.

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### A BILL

For an act to amend section one hundred and eighty-two, as heretofore amended, one hundred and eighty-three, one hundred and eighty-four, one hundred and eighty-five, as heretofore amended, one hundred and eighty-six, of an act entitled "An Act for the assessment of property and for the levy and collection of taxes," approved March 30, 1872, in force July 1, 1872; to repeal section one hundred and eighty-seven of said act; to amend section one of an act entitled "An Act in relation to the collection of taxes and special assessments," approved and in force May 2, 1873, and to repeal section two of said last named act, for the purpose of facilitating the sale of lands delinquent for taxes and special assessments.

---

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That section one hundred and eighty-two, as heretofore amended, one hundred and eighty-three, one hundred and eighty-four, one hundred and eighty-five, as heretofore amended, and one hundred and eighty-six of an act entitled "An act for the assessment of property and for the levy and collection of taxes," approved March 30, 1872; in force July 1, 1872, be and the same are hereby amended to read as follows:

§ 182. At any time after the first day of April next, after such delinquent taxes and special assessment on lands and lots shall become due, the collector shall publish an advertisement, giving notice of the intended application for judgment for sale of such delinquent lands and lots, in a newspaper published in his county, if any such there be,

5 and if there be no such paper published in his county, then in the nearest newspaper in  
 6 this State to the county seat of such county. Said advertisement shall be once pub-  
 7 lished, at least ten days previous to the term of the county court, at which judgment is  
 8 prayed, and it shall be sufficient that such notice briefly specify the respective warrants  
 9 upon which such application is to be made. The advertisement so published, shall be  
 10 deemed and taken to be sufficient and legal notice of the aforesaid intended application  
 11 by the collector to such court for judgment. After the rendition of judgment, said col-  
 12 lector shall publish in a newspaper, printed in his county, if any such there be, and if  
 13 there be no such paper published in his county, then in the nearest newspaper in this  
 14 State to the county seat of such county, a notice that all the lots and lands against  
 15 which judgment has been rendered and remains unsatisfied will be exposed to public  
 16 sale at the building where the county court is held for said county, for the amount due  
 17 upon the judgment against the same, which notice shall contain a description of the  
 18 lands and lots to be sold, the names of the owners, if known, the amount of the judg-  
 19 ment against the same, and the day of sale, which notice shall be once published at  
 20 least ten days before the day of sale.

§ 183. When it becomes necessary to charge the tax on personal property against  
 2 real estate, the collector shall select for that purpose some particular tract or lot of real  
 3 property owned by the person owing such personal property tax; and in his applica-  
 4 tion for judgment and order of sale, shall designate the particular tracts or lots of  
 5 real property against which such personal property tax is charged; and the court shall  
 6 take cognizance thereof and render judgment against such tract or lot of real estate,  
 7 for such personal property tax, though the taxes levied upon such real estate for the  
 8 current year may have been paid.

§ 184. In all record proceedings for the sale of lands and lots for taxes or special as-  
 2 sessments and investments to be made by the collector, clerk of the court or other offi-  
 3 cer, letters, figures and characters may be used to denote sections, townships, ranges,  
 4 parts of sections, lots or blocks, or parts thereof, the year or years for which taxes are  
 5 due, and the amount of the same.

§ 185. All applications for judgment and order of sale for taxes and special assess-  
 2 ments for delinquent lands and lots, shall be made at the May term of the county  
 3 court. If, for any cause, the collector is prevented from advertising and obtaining

4 judgment at said term, it shall be held to be legal to obtain judgment at any subse-  
 5 quent term of said court; but if the failure arises from the county collector's not com-  
 6 plying with any of the requirements of this act, he shall be held on his official bond,  
 7 for the full amount of all taxes and special assessments charged against him.

§ 186. The printer, publisher, financial officer or agent of the newspaper publishing  
 2 the notice required in section 182 of this act, shall transmit by mail or other safe con-  
 3 veyance to the collector, four copies of the paper containing said notice, to one of which  
 4 copies he shall attach his certificate, under oath, of the due publication of said notice  
 5 for the time required by law, (which copy shall be presented by the collector to the  
 6 county court at the time judgment is prayed), and said copy shall be filed as a part of  
 7 the records of said court. Upon the receipt of said papers, and on demand being made,  
 8 the collector shall pay to the printer the amount of the fee allowed by law for publish-  
 9 ing such notice, and it shall be his duty to file one copy of said paper in his office, and  
 10 deliver one copy to the Auditor, and one copy to the State Treasurer, who shall file and  
 11 preserve them in their office

§ 2. Section one of an act entitled "An Act in relation to the collection of taxes and  
 2 special assessments," approved and in force May 2, 1873, is hereby amended so as to  
 3 read as follows:

§ 1. When a return to the county collector has been made, or shall hereafter be  
 2 made, of any real estate delinquent for any special assessment or annual assessment  
 3 thereof, levied by an incorporated city, town or village, or by any corporate authori-  
 4 ties, commissioners or persons, pursuant to law, and the description or sub-division of  
 5 any real estate described in such return, is different from the description or sub-division  
 6 thereof as described in the town or district collector's book returned to such county  
 7 collector, the said real estate may be described in the judgment, sale, redemption and  
 8 forfeiture record, according to the description thereof in the real estate tax assessment  
 9 and collection books; and like proceedings shall be had in the application for judgment  
 10 and the judgment thereon, the sale and issuance of the certificate of the sale thereof, re-  
 11 demption from such sale and issuance of deed thereon, to those required by law to be  
 12 had in regard to lands delinquent for State and county taxes.

§ 3. Section one hundred and eighty-seven of an act entitled "An Act for the assess-  
 2 ment of property, and for the levy and collection of taxes," approved March 30, 1872;



3 in force July 1, 1872, and section two of an act entitled "An Act in relation to the col-  
4 lection of taxes and special assessments," approved and in force May 2, 1872, are here-  
5 by repealed.

1. Introduced by Mr. McClellan, from Committee on Revenue, March 26, and ordered to first reading.
2. First reading March 26, and ordered to second reading.

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### **A BILL**

For an act to amend sections 24, 129, 177, as amended, and sections 224 and 227 of an act entitled "An Act for the assessment of property, and for the levy and collection of taxes," approved March 30, 1872.

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SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That sections twenty-four, one hundred and twenty-nine, one hundred and seventy-seven, as amended, two hundred and twenty-four and two hundred and twenty-seven of an act entitled "An act for the assessment of property, and for the levy and collection of taxes," approved March 30, 1872, be amended so as to read as follows:

§ 24. Persons required to list personal property shall make out under oath and deliver to the assessor at the time required, a schedule of the numbers, amounts, quantity, quality of all personal property in their possession or under their control, required to be listed for taxation by them. It shall be the duty of the assessor to determine and fix the fair cash value of all items of personal property, and in assessing notes, accounts, bonds and moneys, the assessor shall be governed by the same rules of uniformity that he adopts as to the value in assessing other personal property.

### **FORFEITED PROPERTY—BACK TAXES.**

§ 129. In all cases where any real property has heretofore been or may hereafter be forfeited to the State for taxes, it shall be the duty of the clerk, when he is making up the amount of tax due on such real property for the current year, to add the amount of

4 back tax, interest, penalty and printer's fees remaining due on such real property, with  
 5 one year's interest at ten per cent. on all taxes heretofore forfeited, and twenty-five  
 6 per cent. on all taxes heretofore levied and forfeited, on the amount of tax due, to the  
 7 tax current year, and the aggregate amount so added together shall be collected in like  
 8 manner as the tax on other real property for that year may be collected: *Provided*, that  
 9 the county clerk shall first carefully examine said list, and strike therefrom all errors  
 10 and otherwise make such corrections as may be necessary with respect to such property  
 11 or tax. [See § 229.]

#### DELINQUENT DEFINED.

§ 177. All real estate upon which taxes remain due and unpaid on the tenth day of  
 2 March, annually, or at the time the town or district collector makes return of his books  
 3 to the county collector, shall be deemed delinquent, and all such due and unpaid taxes  
 4 shall bear interest after the tenth day of March at the rate of one per cent. per month  
 5 until paid or forfeited. Parts or fractions of a month shall be reckoned as a month. \*

#### EFFECT OF DEED AS EVIDENCE.

§ 224. Deeds executed by the county clerk as aforesaid shall be *prima facie* evidence  
 2 in all controversies and suits in relation to the right of the purchaser, his heirs or as-  
 3 signs, to the real estate thereby conveyed, of the following facts: 1st. That the real  
 4 estate conveyed was subject to taxation at the time the same was assessed, and had been  
 5 listed and assessed in the time and manner required by law. 2d. That the taxes or  
 6 special assessments were not paid at any time before the sale. 3d. That the real estate  
 7 conveyed had not been redeemed from the sale at that date of the deed. 4th. That the  
 8 real estate was advertised for sale in the manner and for the length of time required by  
 9 law. 5th. That the real estate was sold for taxes or special assessments as stated in the  
 10 deed. 6th. That the grantee in the deed was the purchaser, or assignee of the pur-  
 11 chaser. 7th. That the sale was conducted in the manner required by law. And any  
 12 judgment for the sale of real estate for delinquent taxes rendered after the passage of  
 13 this act shall estop all parties from raising any objections thereto or to a tax title based  
 14 thereon, which existed at or before the rendition of such judgment, and could have  
 15 been presented as a defense to the application for such judgment in the court wherein  
 16 the same was rendered, and as to all such questions the judgment itself shall be con-  
 17 clusive evidence of its regularity and validity in all collateral proceedings.

## REDEMPTION OR PURCHASE OF FORFEITED PROPERTY..

§ 227. If any person shall desire to redeem or purchase any tract of land or lot forfeited to the State, he shall apply to the county clerk, who shall issue his order to the county collector, directing him to receive from such person the amount due on said tract or lot, which shall in no case be less than ten per cent. on all taxes heretofore forfeited and twenty-five per cent. on all taxes hereafter levied and forfeited in addition to the tax, special assessments, interests and printer's fees due thereon, particularly describing the property and setting forth the amount due; and upon presentation of said order to the county collector, he shall receive said amount and give the person duplicate receipts therefor, setting forth a description of the property and the amount received; one of which shall be countersigned by the county clerk, and when so countersigned shall be evidence of the redemption or sale of the property therein described, as the case may be; but no such receipt shall be valid until it is countersigned by the county clerk. The other receipt shall be filed by the county clerk in his office, and said clerk shall make a proper entry of the redemption or sale of the property on the books in his office, and charge the amount of the redemption or sale money to the county collector. In cases of sales, the collector and clerk shall make the receipt in the form of a certificate of purchase. Property purchased under this section shall be subject to redemption, notice, etc., the same as if sold at regular public tax sale.

[See § 225.]



1. Introduced by Mr. McClellan, from Committee on Revenue, March 26, 1879, and ordered to first reading.
2. First reading March 26, 1879, and ordered to second reading.

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### A BILL

For an Act to amend sections 24, 129, 177, as amended; and sections 324 and 327 of an act entitled "An Act for the assessment of property, and for the levy and collection of taxes," approved March 30, 1872.

---

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That sections twenty-four, one hundred and twenty-nine, one hundred and seventy-seven, as amended; two hundred and twenty-four and two hundred and twenty-seven of an act entitled "An Act for the assessment of property, and for the levy and collection of taxes," approved March 30, 1872, be amended so as to read as follows:

§ 24. Persons required to list personal property, shall make out under oath, and deliver to the assessor, at the time required, a schedule of the numbers, amounts, quantity and quality of all personal property in their possession or under their control, required to be listed for taxation by them. It shall be the duty of the assessor to determine and fix the fair cash value of all items of personal property, and in assessing notes, accounts, bonds and moneys, the assessor shall be governed by the same rules of uniformity that he adopts as to the value in assessing other personal property.

#### FORFEITED PROPERTY--BACK TAXES.

§ 129. In all cases where any real property has heretofore been or may hereafter be forfeited to the State for taxes, it shall be the duty of the clerk, when he is making up the amount of tax due on such real property for the current year, to add the amount of back tax, interest, penalty and printers' fees remaining due on such real property, with one year's interest at ten per cent., on all taxes heretofore forfeited, and twenty-five

per cent. on all taxes heretofore levied and forfeited, on the amount of tax due, to the tax current year, and the aggregate amount so added together shall be collected in like manner as the tax on other real property for that year may be collected: *Provided*, that the county clerk shall first carefully examine said list and strike therefrom all errors, and otherwise make such corrections as may be necessary with respect to such property or tax. [See § 229.

#### DELINQUENT DEFINED.

§ 177. All real estate upon which taxes remain due and unpaid on the tenth day of March, annually, or at the time the town or district collector makes return of his books to the county collector, shall be deemed delinquent, and all such due and unpaid taxes shall bear interest after the tenth day of March at the rate of one per cent. per month until paid or forfeited. Parts, or fractions of a month, shall be reckoned as a month.

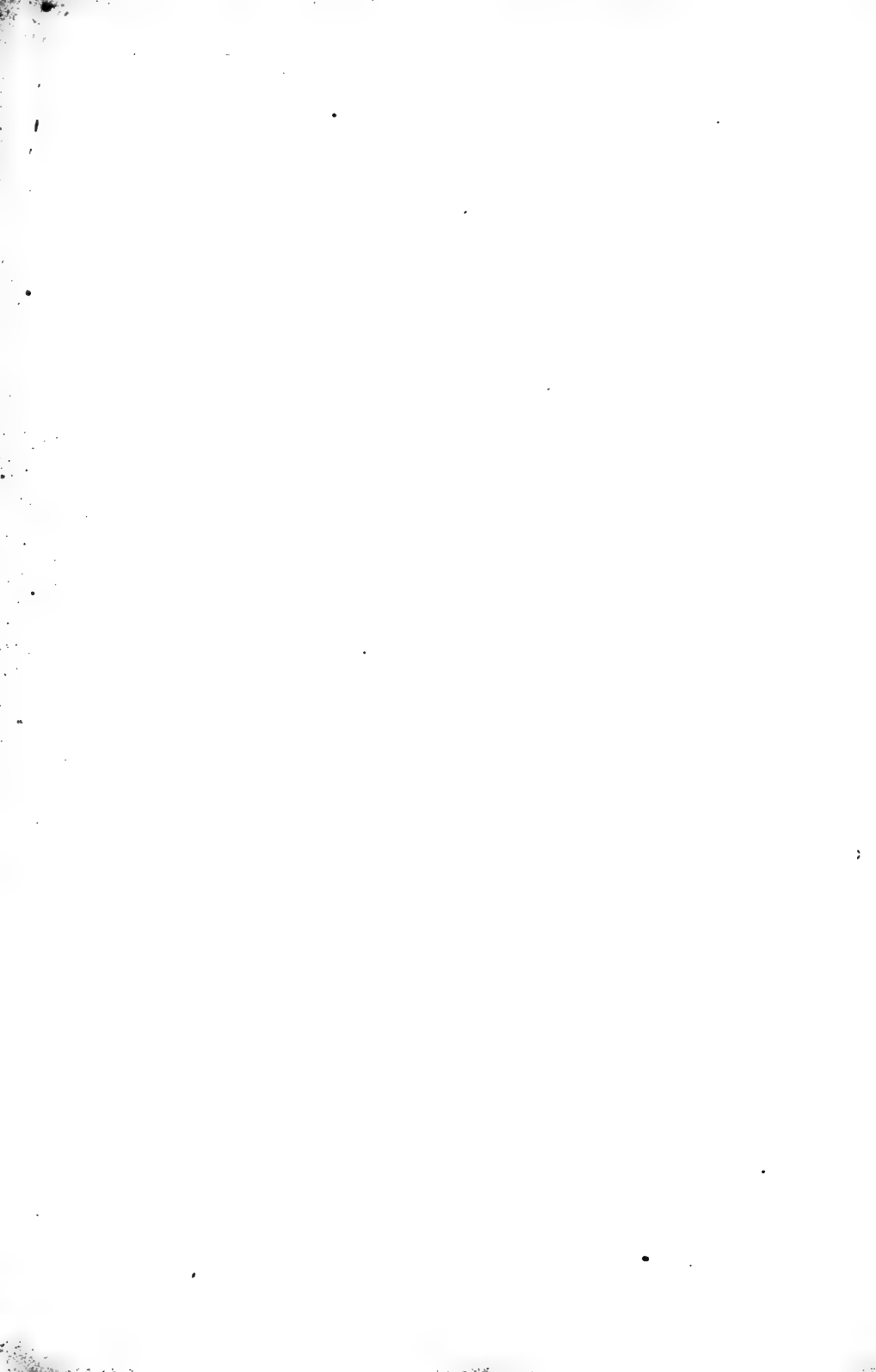
#### EFFECT OF DEED AS EVIDENCE.

§ 224. Deeds executed by the county clerk as aforesaid shall be *prima facie* evidence in all controversies and suits in relation to the right of the purchaser, his heirs or assigns, to the real estate thereby conveyed, of the following facts: 1st. That the real estate conveyed was subject to taxation at the time the same was assessed, and had been listed and assessed in the time and manner required by law. 2d. That the taxes or special assessments were not paid at any time before the sale. 3d. That the real estate conveyed had not been redeemed from the sale at the date of the deed. 4th. That the real estate was advertised for sale in the manner and for the length of time required by law. 5th. That the real estate was sold for taxes or special assessments, as stated in the deed. 6th. That the grantee in the deed was the purchaser or assignee of the purchaser. 7th. That the sale was conducted in the manner required by law. And any judgment for the sale of real estate for delinquent taxes rendered after the passage of this act shall estop all parties from raising any objections thereto or to a tax title based thereon, which existed at or before the rendition of such judgment, and could have been presented as a defence to the application for such judgment in the court wherein the same was rendered, and as to all such questions the judgment itself shall be conclusive evidence of its regularity and validity in all collateral proceedings.

## REDEMPTION OR PURCHASE OF FORFEITED PROPERTY.

§ 227. If any person shall desire to redeem or purchase any tract of land or lot forfeited to the State, he shall apply to the county clerk, who shall issue his order to the county collector, directing him to receive from such person the amount due on said tract or lot, which shall in no case be less than ten per cent. on all taxes heretofore forfeited and twenty-five per cent on all taxes hereafter levied and forfeited in addition to the tax, special assessments, interests and printer's fees due thereon, particularly describing the property and setting forth the amount due; and upon presentation of said order to the county collector, he shall receive said amount and give the person duplicate receipts therefor, setting forth a description of the property and the amount received; one of which shall be countersigned by the county clerk, and when so countersigned shall be evidence of the redemption or sale of the property therein described, as the case may be; but no such receipt shall be valid until it is countersigned by the county clerk. The other receipt shall be filed by the county clerk in his office, and said clerk shall make a proper entry of the redemption or sale of the property on the books in his office, and charge the amount of the redemption or sale money to the county collector. In cases of sales, the collector and clerk shall make the receipt in the form of a certificate of purchase. Property purchased under this section shall be subject to redemption, notice, etc., the same as if sold at regular public tax sale. [See § 225.





1. Introduced by Mr. Cheaney, March 26, and ordered to first reading.
2. First reading March 26, and referred to Committee on Appropriations.
3. Reported back March 28. Recommendation it be ordered to second reading. So ordered.

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### A BILL

For an act making appropriation to reimburse the city of Cairo for expense of Quarantine  
under direction of the State Board of Health.

---

WHEREAS, During the prevalence of the yellow fever epidemic in the southern portion of the country, during the summer and fall of last year, the city of Cairo, under advice and direction from the State Board of Health, and through an honest desire to prevent the scourge from entering the State, established and maintained a quarantine at considerable expense to said city, and which quarantine resulted in greater benefit to the people of the State at large than to the citizens of said city of Cairo; and,

WHEREAS, The said city of Cairo, in addition to the expense incurred for quarantine, was under a very heavy expense in caring for the sick and distressed during the prevalence of the epidemic, receiving no assistance from any quarter therefor; and,

WHEREAS, It seems proper and right that the said city of Cairo should be reimbursed by the State for the expenditures made in connection with the quarantine so established and maintained as above; therefore,

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly, That the sum of four thousand nine hundred and fifty-one (\$4951) dollars be*

3 and the same is hereby appropriated, out of any money in the treasury not otherwise  
4 appropriated, to reimburse the said city of Cairo as above set forth.

§ 2. The Auditor of Public Accounts is hereby authorized and directed to draw  
5 his warrant on the treasury, payable to the treasurer of the said city of Cairo, for the  
6 sum above appropriated.

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(In House.)

1. Reported to House April 19, 1879.
2. First reading April 19, and referred to Committee on Appropriations.
3. Reported back, passage recommended, and ordered to second reading April 26.

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## A BILL

For an act making appropriation to reimburse the city of Cairo for expense of quarantine under direction of the State Board of Health.

---

WHEREAS, During the prevalence of the yellow fever epidemic in the southern portion of the country, during the summer and fall of last year, the city of Cairo, under advice and direction from the State Board of Health, and through an honest desire to prevent the scourge from entering the State, established and maintained a quarantine at considerable expense to said city, and which quarantine resulted in greater benefit to the people of the State at large than to the citizens of the said city of Cairo; and,

WHEREAS, The said city of Cairo, in addition to the expense incurred for quarantine, was under a very heavy expense in caring for the sick and distressed during the prevalence of the epidemic, receiving no assistance from any quarter therefor; and,

WHEREAS, It seems proper and right that the said city of Cairo should be reimbursed by the State for the expenditures made in connection with the quarantine so established and maintained as above; therefore,

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly, That the sum of four thousand nine hundred and fifty-one (\$4951) dollars be and the same is hereby appropriated, out of any money in the treasury not otherwise appropriated, to reimburse the said city of Cairo as above set forth.*

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2  
§ 2. The Auditor of Public Accounts is hereby authorized and directed to draw  
his warrant on the treasury, payable to the treasurer of the said city of Cairo, for the  
sum above appropriated.

1. Introduced by Mr. McClellan, from Committee on Revenue, March 27, 1879, and ordered to first reading.
2. First reading March 28, 1879, and ordered to second reading.

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### **A BILL**

For an act providing for licensing and taxing corporations, companies or individuals operating telegraph lines.

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SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That each and every person, company or corporation, whether incorporated, organized or residing in this State, or outside this State, operating a telegraph line in this State, shall make an annual report to the Auditor of Public Accounts, on or before the tenth day of January 1880, and each year thereafter; which report shall state

First—The name and locality of the person, company or corporation.

Second—The number of miles of telegraph operated by said person, company or corporation in this State, and the location of its lines therein.

Third—The amount of gross receipts from all sources of their business received within the State for the year ending the thirty-first day of December preceding such report.

This report shall be verified by the oath of the proper person or officer as to its truth.

§ 2. It shall not be lawful after the tenth day of January 1880, for any person, company or corporation to transact the business of telegraphing or sending messages by telegraph for a compensation, without first making the report as herein required, and procuring from the Auditor a certificate of authority or license, and it shall be a condition precedent to the issuing or the renewal of the annual certificate or license by the Auditor, that the person, company or corporation making the statement, shall pay into

7 the State Treasury a specific State tax of two per cent on the gross amount received by  
 8 said person, company or corporation within this State, for the year included in the re-  
 9 port provided in section one of this act, which said specific tax may be recovered in any  
 10 court of competent jurisdiction as the suit of this State. It shall be the duty of the  
 11 State Treasurer, to give his receipt in duplicate for all moneys paid into the State Treas-  
 12 ury under the provisions of this act, and the Auditor of Public Accounts, on the presen-  
 13 tation of such receipt from the Treasurer, shall issue as many copies of the annual cer-  
 14 tificate or license as may be desired by said company, not exceeding one for each agent  
 15 or place of business in this State.

§ 3. Any person, company or corporation violating the provisions of this act shall,  
 2 upon conviction thereof, in any court of competent jurisdiction, be fined in any sum  
 3 not less than ten nor more than one hundred dollars for each and every act, at the dis-  
 4 cretion of the court. Violations of the provisions of this act, may be prosecuted in the  
 5 name of the people of the State of Illinois, and it shall be the duty of the State's Attor-  
 6 ney of each county in this State, to prosecute for any violations of the provisions of  
 7 this act, such prosecution may be carried on either by indictment, information filed by  
 8 the State's Attorney, or by an action of debt for the penalties incurred.

§ 4. Any telegraph corporation, company or individual, complying with the requir-  
 2 ments of this act, and receiving the certificate or license from the Auditor as provided  
 3 in this act, shall be permitted to do business in any part of this State.

1. Introduced by Mr. McClellan, from Committee on Revenue, March 27, 1879, and ordered to first reading.
2. First reading March 28, and ordered to second reading.
3. Second reading April 15, amended and ordered to third reading.

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## A BILL

For an act providing for Licensing and Taxing Corporations, Companies or  
Individuals Operating Telegraph Lines.

---

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General*

2 *Assembly,* That each and every person, company or corporation, whether incorporated,  
3 organized or residing in this State, or outside this State, operating a telegraph line in  
4 this State, shall make an annual report to the Auditor of Public Accounts, on or before  
5 the tenth day of January, 1880, and each year thereafter; which report shall state,

6 First—The name and locality of the person, company or corporation.

7 Second—The number of miles of telegraph operated by said person, company or cor-  
8 poration in this State, and the location of its lines therein.

9 Third—The amount of gross receipts, from all sources of their business, received  
10 within the State, for the year ending the thirty-first day of December preceding such  
11 report. This report shall be verified by the oath of the proper person or officer as to  
12 its truth.

§ 2. It shall not be lawful, after the tenth day of January, 1880, for any person,  
2 company or corporation to transact the business of telegraphing or sending messages by  
3 telegraph for a compensation, without first making the report as herein required, and  
4 procuring from the Auditor a certificate of authority, or license; and it shall be a con-  
5 dition precedent to the issuing or the renewal of the annual certificate or license, by



6 the Auditor, that the person, company or corporation making the statement shall pay  
7 into the State treasury a specific State tax of one per cent. on the gross amount received  
8 by said person, company or corporation within this State, for the year included in the  
9 report provided for in section one of this act; which said specific tax may be recovered  
10 in any court of competent jurisdiction, at the suit of this State. It shall be the duty  
11 of the State Treasurer to give his receipt in duplicate for all moneys paid into the State  
12 treasury under the provisions of this act; and the Auditor of Public Accounts, on the  
13 presentation of such receipt from the Treasurer, shall issue as many copies of the annual  
14 certificate, or license, as may be desired by said company, not exceeding one for each  
15 agent or place of business in this State.

§ 3. Any person, company or corporation violating the provisions of this act, shall,  
2 upon conviction thereof in any court of competent jurisdiction, be fined in any sum  
3 not less than ten nor more than one hundred dollars for each and every act, at the dis-  
4 cretion of the court. Violations of the provisions of this act may be prosecuted in the  
5 name of the People of the State of Illinois; and it shall be the duty of the State's Attor-  
6 ney, in each county in this State, to prosecute for any violations of the provisions of  
7 this act. Such prosecution may be carried on either by indictment, information filed  
8 by the State's Attorney, or by an action of debt for the penalties incurred.

§ 4. Any telegraph corporation, company or individual complying with the require-  
2 ments of this act, and receiving the certificate, or license, from the Auditor as provided  
3 in this act, shall be permitted to do business in any part of this State.

1. Introduced by Mr. Riddle, March 27, 1879, and ordered to first reading.
2. First reading March 28, and referred to Committee on Revenue.
3. Reported back, passage recommended, and ordered to second reading April 19th.

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## A BILL

For an act to provide for the appointment of Park Commissioners; for making reports of their acts and doings, the establishment of tax districts for park purposes, and the collection of park taxes.

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SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General*

2 *Assembly,* That all park boards or park commissioners in this State, who, by any law  
3 of this State, have the management and control of parks, shall be appointed by the  
4 Governor and shall hold their offices for the period of four years and until their suc-  
5 cessors are elected or qualified.

§ 2. They shall annually, before the first day of October of each and every year,  
2 make a report under oath to the county commissioners or board of supervisors of the  
3 respective counties, where they reside and in which said parks are situated, which re-  
4 port shall contain a full and accurate statement of the receipts and expenditures of the  
5 preceding year, the amount of taxes or special assessments levied for park purposes, the  
6 amounts collected and paid out and to whom paid, and on what account expended, the  
7 amount of the debts and liabilities, together with an estimate of the probable amount  
8 of money required for all purposes for the next succeeding year, and for what purpose,  
9 which report shall be printed and published.

§ 3. All park boards or park commissioners shall annually, on or before the first  
2 day of August in each year, transmit to the clerk of the county, an estimate in writing,

3 of the amount of money which will be required for all purposes during the current  
 4 year, and the said clerk shall proceed to determine what per cent. said sum is on the  
 5 taxable property of the town or towns, as the same at present exists, according to the  
 6 several assessors' returns for the respective year for each park, and shall in the gen-  
 7 eral tax-warrants, for the collection of State and county taxes in said towns, set down  
 8 the amount chargeable to the several persons, corporations, lots or parcels of ground in  
 9 a separate and appropriate column, and shall receive such compensation as is now  
 10 allowed by law, and the collector or collectors respectively shall proceed to collect the  
 11 same in the manner now provided by law, in respect to the collection of State and  
 12 county taxes, and all the provisions of law for the collection of State and county  
 13 taxes, and proceedings to enforce the same so far as applicable, shall apply to  
 14 the same.

§ 4. The several towns, which any park board or park commissioners have been  
 2 declared the authorities of, shall be and are hereby declared to be tax districts for park  
 3 purposes, and no change in the boundaries of any town, nor the union or consolidation  
 4 of any one town with one or more towns, shall effect said tax district, but each and every  
 5 park board or the park commissioners shall certify the amounts required for parks or  
 6 park purposes, over which they have jurisdiction, to the county clerk, as provided in  
 7 section two of this act; and the county clerk shall determine the rate per cent. and ex-  
 8 tend the taxes against the taxable property in each tax district, and set down the  
 9 amount of the same in the general tax-warrant for each and every park, as provided in  
 10 section two herein the same as if no change in the boundary or boundaries of the said  
 11 town or towns had been made, and the same as if no union or consolidation of any  
 12 town or towns had taken place.

1. Introduced by Mr. Bash, March 27, and ordered to first reading.
2. First reading March 27, and referred to Committee on Judicial Department.
3. March 28, reported back, with recommendation it be ordered to second reading.  
So ordered.

## A BILL

For an act to carry into effect Section 13 of Article 10 of the Constitution.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly,* That in order to carry into effect section 13, article 10 of the constitution, all justices of the peace, police magistrates, constables and masters in chancery, and all city or village officers who are paid for the performance of their duties by fees shall and they are hereby required to make semi annual reports, under oath, to the county treasurer of the county, of all their fees and emoluments, and all clerks of courts who are not paid salaries shall make semi-annual reports, under oath, to the Auditor of Public Accounts, of all their fees and emoluments.

§ 2. The reports to be made under this act shall be made six months after the reports herein provided for shall be made, on the 1st days of July and January during each and every year, and the first report shall be made on first day of January, 1880, and every six months thereafter.

§ 3. Any person who shall neglect or refuse to make a report, as required by this act, for the space of ten days after the time above mentioned, unless prevented by physical inability, or any person who shall wilfully make a false report, shall, on complaint made under oath by any person against said officer, setting forth particularly the facts in the case, and on an investigation of the matter by any circuit judge, if found guilty, be summarily removed from office.

§ 4. Any person may make a complaint, under oath, against any public officer for  
2 making a false report, which complaint shall be filed in the office of the circuit clerk  
3 of the county where the officer resides, and the said clerk shall issue a summons in the  
4 name of the People of the State of Illinois against such officer, returnable according to  
5 law, and such officer may appear and answer such complaint under oath, and if found  
6 guilty upon the trial of the issue by the court or a jury, such officer shall be removed  
7 from office. It is hereby made the duty of the State's Attorney to prosecute all actions  
8 commenced under this act.

1. Introduced by Mr. Bash, March 27, and ordered to first reading.
2. First reading March 27, and referred to Committee on Judicial Department.
3. March 28, reported back with recommendation it be ordered to second reading;  
so ordered.
4. April 7, second reading, amended and ordered to third reading,

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## A BILL

For an Act to carry into effect Section thirteen (13) of Article ten (10) of the Constitution.

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SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That in order to carry into effect section thirteen (13), article ten (10) of the constitution, all justices of the peace, police magistrates, constables and masters in chancery, and all city or village officers who are paid for the performance of their duties by fees, shall and they are hereby required to make semi-annual reports, under oath, to the county treasurer of the county, of all their fees and emoluments, and all clerks of courts who are not paid salaries shall make semi-annual reports, under oath, to the Auditor of Public Accounts, of all their fees and emoluments.

§ 2. The reports to be made under this act shall be made on the first days of July and January during each and every year, and the first report shall be made on the first day of January, 1880, and every six months thereafter.

§ 3. Any person who shall neglect or refuse to make a report, as required by this act for the space of ten days after the time above mentioned, unless prevented by physical inability, or any person who shall wilfully make a false report, shall, on complaint made under oath by any person against said officer, setting forth particularly the facts in the case, and on an investigation of the matter by any circuit judge, if found guilty, be summarily removed from office.

§ 4. Any person may make a complaint, under oath, against any public officer for  
2 making a false report, which complaint shall be filed in the office of the circuit clerk  
3 of the county where the officer resides, and the said clerk shall issue a summons in the  
4 name of the People of the State of Illinois against said officer, returnable according to  
5 law, and such officer may appear and answer such complaint under oath, and if found  
6 guilty upon the trial of the issue by the court or a jury, such officer shall be removed  
7 from office. It is hereby made the duty of the State's Attorney to prosecute all actions  
8 commenced under this act.

1. Introduced by Mr. Whiting, March 23, and ordered to first reading.
  2. First reading March 27, and referred to Committee on Revenue.
  3. March 28, reported back with recommendation of majority of committee that it be referred to Committee on Judiciary, minority report recommending it be ordered to second reading, minority report adopted.
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## A BILL

For an act to license and to provide for taxing persons, companies or corporations doing  
express business.

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SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That each and every person, company or corporation, whether residing, incorporated or organized, in this State or out of this State, doing express business on any railroad in this State, shall make an annual report to the Auditor of Public Accounts on or before the 10th day of January, 1880, and in like time in each year thereafter, which report shall state the number and location of their offices in this State, the railroads over which they conduct their business, and the number of miles in this State they do express business, together with a statement of the proper person or officer, stating the gross amount of all their receipts in this State from every source of their business received during the year ending the preceding 31st day of December, at the close of that day. This report, with the statement of the gross amount of money so received, shall be verified by the oath of the proper person or officer as to its truth.

§ 2. It shall not be lawful, after January 10, 1880, for any person, company or corporation to carry on the business of receiving, forwarding or delivering goods, packages or parcels by express, for hire, without first making the report as herein required, and procuring from the Auditor a certificate of authority, or license; and it shall be a



condition precedent to the issuing of the license, and its annual renewal by the Auditor that the person, company or corporation making the report shall pay into the State treasury a specific State tax of one per cent. of the gross amount received by said person, company or corporation within this State, as before named, for the year included in the report provided for in section one of this act; which said specific tax may be recovered in any court of competent jurisdiction, at the suit of this State; and in case of a failure to pay, it shall be the duty of the Attorney-General to prosecute such suit.

§ 3. It shall be the duty of the State Treasurer to give his receipt in duplicate for all moneys paid into the State treasury under the provisions of this act; and the Auditor, on the presentation of the receipt, shall issue as many copies of the annual certificate, or license, as may be desired by said company, not exceeding one for each agent or place of business of said person, company or corporation in this State.

§ 4. Any person, company or corporation violating the provisions of this act shall, upon conviction thereof, be fined in any sum not less than ten, and not exceeding one hundred dollars for each and every act, at the discretion of the court. Violations of the provisions of this act may be prosecuted in the name of the people of the State of Illinois, and it shall be the duty of the State's Attorney of each county in this State to prosecute for any violation of the provisions of this act; such prosecution may be carried on either by indictment, information filed by the State's Attorney or by an action of debt for the penalties incurred.

§ 5. Any person, company or corporation complying with the requirements of this act and receiving the specified certificate or license from the Auditor of Public Accounts, shall be permitted to do business in any part of the State.

§ 6. The moneys received under the provisions of this act shall be placed in the revenue fund for State purposes.

1. Introduced by Mr. Whiting, March 28, 1879, and ordered to first reading.
2. First reading March 28, and referred to Committee on Revenue.
3. March 28, reported back, with recommendation of majority of committee that it be referred to Committee on Judiciary, minority report recommending it be ordered to second reading. Minority report adopted.
4. April 15, second reading, amended and ordered to third reading.

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## A BILL

For an act to License and to provide for Taxing Persons, Companies or Corporations doing  
Express Business on any Railroad in this State.

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SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General*  
2 *Assembly, That each and every person, company or corporation, whether residing,*  
3 *incorporated or organized in this State or out of this State, doing express business on*  
4 *any railroad in this State, shall make an annual report to the Auditor of Public Ac-*  
5 *counts, on or before the 10th day of January, 1880, and in like time in each year there-*  
6 *after; which report shall state the number and location of their offices in this State, the*  
7 *railroads over which they conduct their business, and the number of miles in this State*  
8 *they do express business, together with a statement of the proper person or officer,*  
9 *stating the gross amount of all their receipts in this State, from every source of their*  
10 *business, received during the year ending the preceding 31st day of December, at the*  
11 *close of that day. This report, with the statement of the gross amount of money so*  
12 *received, shall be verified by the oath of the proper person or officer as to its truth.*

§ 2. It shall not be lawful, after January 10, 1880, for any person, company or cor-  
2 poration to carry on the business of receiving, forwarding or delivering goods, pack-  
3 ages or parcels by express, for hire, without first making the report as herein required,  
4 and procuring from the Auditor a certificate of authority, or license; and it shall be a

condition precedent to the issuing of the license, and its annual renewal by the Auditor that the person, company or corporation making the report shall pay into the State treasury a specific State tax of one per cent. of the gross amount received by said person, company or corporation within this State, as before named, for the year included in the report provided for in section one of this act; which said specific tax may be recovered in any court of competent jurisdiction, at the suit of this State; and in case of a failure to pay, it shall be the duty of the Attorney General to prosecute such suit.

§ 3. It shall be the duty of the State Treasurer to give his receipt in duplicate for all moneys paid into the State treasury under the provisions of this act; and the Auditor, on the presentation of the receipt, shall issue as many copies of the annual certificate, or license, as may be desired by said company, not exceeding one for each agent or place of business of said person, company or corporation in this State.

§ 4. Any person, company or corporation violating the provisions of this act, shall, upon conviction thereof, be fined in any sum not less than ten (10) and not exceeding one hundred dollars (\$100) for each and every act, at the discretion of the court. Violations of the provisions of this act may be prosecuted in the name of the People of the State of Illinois; and it shall be the duty of the State's Attorney of each county in this State to prosecute for any violation of the provisions of this act. Such prosecution may be carried on either by indictment, information filed by the State's Attorney, or by an action of debt for the penalties incurred.

§ 5. Any person, company or corporation complying with the requirements of this act, and receiving the specified certificate, or license, from the Auditor of Public Accounts, shall be permitted to do business in any part of the State.

§ 6. The moneys received under the provisions of this act shall be placed in the revenue fund for State purposes.

1. Introduced by Mr Baah, Feb. 28, 1879, and ordered to first reading.
2. First reading March 28, 1879, and referred to Committee on Counties and Township Organization.
3. Reported back April 4, with the recommendation that it be ordered to second reading. So ordered.

## A BILL

For an act to amend section one of an act to authorize county boards in counties not under township organization, to organize certain territory situated therein as a town. Approved May 23, 1877; in force July 1, 1877.

*SECTION 1. Be it enacted by the people of the State of Illinois, represented in the General*

*Assembly, That section one of an act to authorize county boards in counties under township organization, to organize certain territory situated therein as a town; approved May 23, 1877; in force July 1, 1877; be and the same is hereby amended so as to read as follows:*

*SECTION 1. The county board, in any county under township organization, may provide that the territory embraced within any city in such county, shall be organized as a town, and may combine or consolidate two or more towns whose territory is wholly included within the limits of a city, into one town; Provided, such territory shall have a population of not less than three thousand inhabitants; And, provided, the city council in such city shall, by resolution, request such action by the county board.*



1. Introduced by Mr. Bash March 28, 1879, and ordered to first reading.
2. First reading March 28, and referred to Committee on Counties and Township Organization.
3. Reported back April 4, with the recommendation that it be ordered to second reading. So ordered.
4. Recommitted May 2.
5. Reported back with amendment, with recommendation that it do pass as amended. Ordered on file in order of second reading May 3.

Amendment reported by Committee on Counties and Township Organization May 3, 1879:

Amend by adding after the word "town," in the fifth line of the written bill, the words, "Provided, that the township to be so organized shall be wholly within the limits of any such city."

## A BILL

For an act to amend section one of an act to authorize county boards, in counties not under township organization, to organize certain territory situated therein as a town. Approved May 23, 1877; in force July 1, 1877.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly, That section one of an act to authorize county boards in counties under township organization to organize certain territory situated therein as a town; approved May 23, 1877; in force July 1, 1877; be and the same is hereby amended so as to read as follows:*

SECTION 1. The county board, in any county under township organization, may pro-

vide that the territory embraced within any city in such county shall be organized as a town, and may combine or consolidate two or more towns, whose territory is wholly included within the limits of a city, into one town: *Provided*, such territory shall have a population of not less than three thousand inhabitants: *And provided*, the city council in such city shall, by resolution, request such action by the county board.

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(In House.)

1. Reported to House May 16, 1879.
2. First reading May 23, and ordered to second reading.

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### A BILL

For an act to amend section one of an act to authorize county boards, in counties under township organization, to organize certain territory situated therein as a town. Approved May 23, 1877; in force July 1, 1877.

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SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That section one of an act to authorize county boards in counties under township organization, to organize certain territory situated therein as a town; approved May 23, 1877; in force July 1, 1877; be and the same is hereby amended so as to read as follows:

SECTION 1. The county board, in any county under township organization, may provide that the territory embraced within any city in such county shall be organized as a town, provided that the township to be so organized shall be wholly within the limits of any such city, and may combine or consolidate two or more towns, whose territory is wholly included within the limits of a city, into one town: *Provided*, such territory shall have a population of not less than three thousand inhabitants: *And, provided*, the city council in such city shall, by resolution, request such action by the county board.



(In House)

Reported to House May 18, 1879  
and ordered to second reading.

# A BILL

For the purpose of authorizing one of our representatives in Congress under  
the authority of the Senate to organize territory situated therein as a town.

Enacted May 18, 1879; in force July 1, 1879.

1. That the Senate do hereby authorize the Secretary of the Senate to
2. take any action one of our representatives in Congress may deem proper
3. to organize territory situated therein as a town, and
4. to cause the same to be published in the official gazette of the Senate
5. on or before the first day of July, 1879; and the same territory situated as a town
6. shall be known as the town of \_\_\_\_\_
7. The county board, in any case where township organization may be
8. authorized by the territory embraced in the act, may cause the same to be
9. organized within the township to be so organized at any time within the
10. year, and may hold an or consolidate two or more towns, which may be
11. organized within the limits of a single town. Any town so
12. organized shall be known as the town of \_\_\_\_\_
13. The territory of the town shall be divided into three thousand
14. acres, and each acre shall be subdivided into four
15. county board

1. Introduced by Mr. Hunt from Committee on Judiciary March 28, 1879, and ordered to first reading.
2. First reading March 28, and referred to Committee on Judiciary.
3. April 4. reported back, with the opinion that it is not necessary to refer such claims to the Commission on Claims.

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## A BILL

For an Act to provide for the payment of damages to lands and other property, sustained by the owners thereof, and occasioned by the construction of the dams on the Illinois river, near Henry, in Marshall county.

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SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That a sum of money, not exceeding thirty-four thousand two hundred and nineteen dollars (\$34,219) be and the same is hereby appropriated out of any money in the State Treasury, not otherwise appropriated, to pay the damages sustained by the owners of land and other property on the Illinois river, occasioned by the construction of the dams in said river, by authority of the State of Illinois, near Henry, in Marshall county, according to the recommendations contained in the report of the joint select committee of the two Houses of the Thirtieth General Assembly; and that said sum of money be paid to the different claimants therefor, as specified in the report of said joint committee in such sums and to such claimants as said report designates, and in cases specified in said report where there are conflicting claimants for the same damages, the Auditor of Public Accounts shall give the warrant therefor, to the person or persons designated by the Attorney General, as being the person or persons legally entitled thereto, and all conflicting claimants shall submit to the Attorney General their respective proofs concerning their right to such damages.

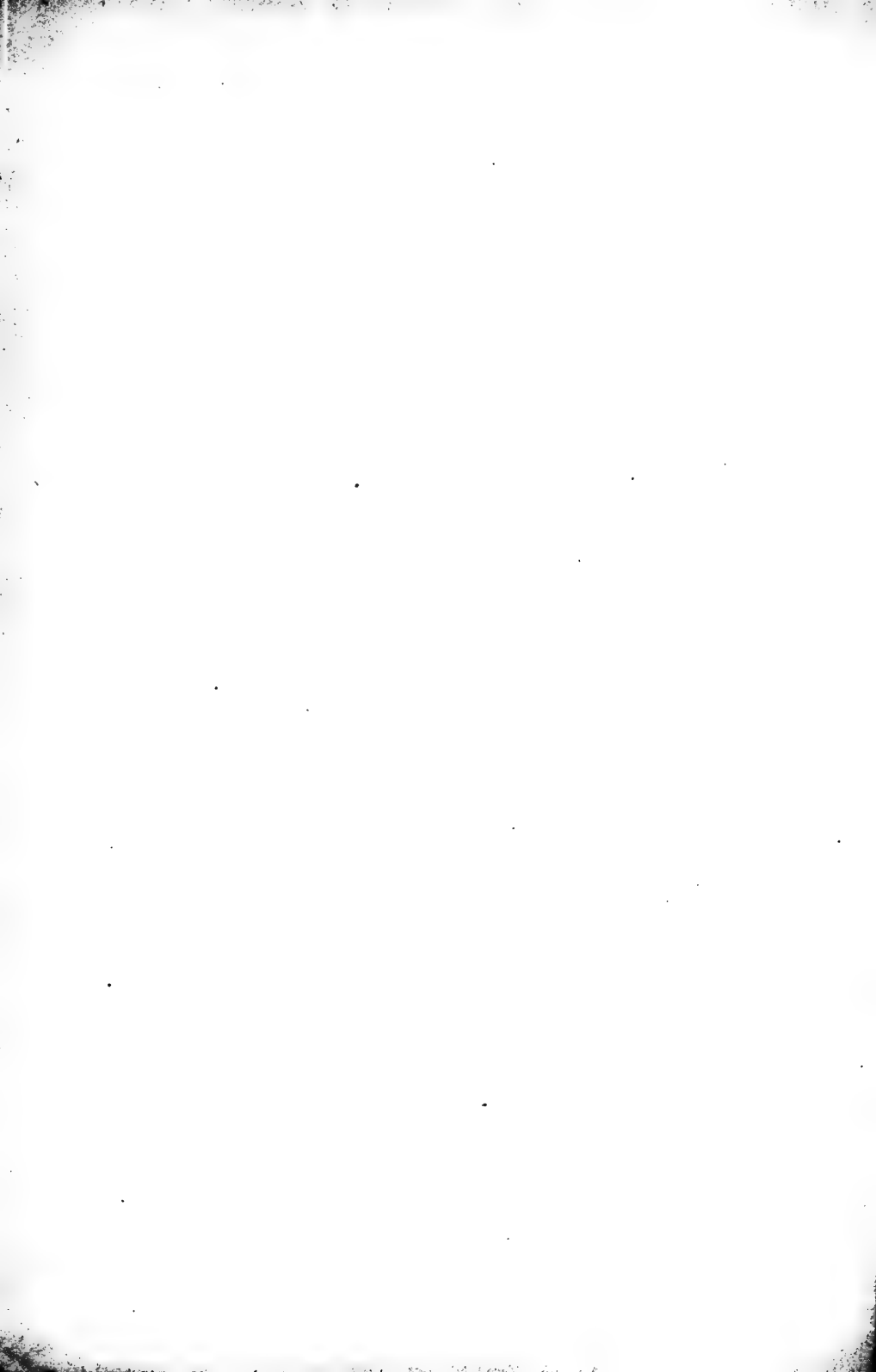
§ 2. In no case shall any portion of said sum of money, hereby appropriated, be

2 paid for any damages upon any tract or part of any tract of land, or to any property,  
 3 unless the same is described in the report of said joint select committee as damaged by  
 4 the construction of said dam; nor shall any greater sum be paid for damages on any  
 5 tract or part of tract of land or property, than is recommended by the said committee  
 6 in their said report to be paid: *Provided*, that if it shall appear to the Auditor from  
 7 the record that an error has occurred in the description of any tract or tracts of land in  
 8 said report, the damages shall be paid upon the tract or tracts or property which the  
 9 whole record of the proceedings of said committee shows was intended to be described  
 10 in said report.

§ 2. Any of the claimants for the damages specified in the report of said  
 2 committee, or their heirs or legal representatives, may make an application in  
 3 writing to the Auditor of Public Accounts, for a warrant on the State Treas-  
 4 urer for the amount of damages designated in said report (in any case named  
 5 therein) to be paid as damages on the tract or part of tract of land or property  
 6 described in the record of the proceedings had before said committee, as being owned  
 7 by such claimant, which application shall contain a description of the tract or tracts,  
 8 or part of tract of land, for the damage to which said committee has recommended  
 9 the payment of the several sums of money specified in said report. Such claimant, or  
 10 his or her heirs or legal representatives, shall also file with the auditor a written release  
 11 under seal, and acknowledged as in case of conveyances of real estate, releasing all  
 12 damages heretofore sustained, or which may be hereafter sustained by the owner or  
 13 owners of said lands or other property, occasioned by the construction, maintenance or  
 14 repair of said dams; such release shall describe all the lands and other property of  
 15 such claimant, which were submitted to the investigation of said committee, as well  
 16 those upon which said committee recommend the payment of damages, as those upon  
 17 which said committee refused to allow damages, and such release shall in terms and  
 18 effect be a complete discharge to the State of Illinois, by such owner or owners, of all  
 19 damages sustained, or hereafter to be sustained to any and all of said lands and other  
 20 property; and if such release complies with the terms of this act, in form and substance,  
 21 and the auditor be satisfied as to the identity of the claimant (or his or her legal rep-  
 22 resentative who may apply) as being the person entitled to receive such sum for dama-  
 23 ges he shall draw his warrant on the State Treasurer for the amount of such damages

24 and deliver the same to such claimant; and the acceptance by such claimant of such  
25 warrant for the sums specified, as allowed by said committee, is hereby declared to be a  
26 complete and perpetual bar to any further claims for damages to any and all lands and  
27 other property submitted to the investigation of said committee.

§ 4. The report and the evidence taken and the record of all proceedings had before  
2 the said joint select committee, and the papers accompanying the said report shall be  
3 deposited and preserved in the office of the Auditor of Public Accounts, and the same  
4 shall at all times be subject to examination and inspection by any claimant or party in-  
5 terested.



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(Substitute for 323).

1. Introduced by Mr. Artly from Committee on Labor and Manufactures March 28, and ordered to first reading.
2. First reading March 28, and ordered to second reading.

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### A BILL

For "An Act to protect laborers, miners, mechanics and merchants."

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SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General*  
2 *Assembly,* That it shall be unlawful for any person, firm or corporation to pay as wages,  
3 in lieu of lawful money of the United States, to any laborer, miner, mechanic or other  
4 workman employed by such person, firm or corporation, goods or supplies, or any order  
5 check, scrip or other device or consideration representing goods or supplies, or charge  
6 on the book of account or pay-roll of such person, firm or corporation, any amount on  
7 account of goods or supplies furnished in any manner to such laborer, miner, mechanic,  
8 or other workman, against any wages due, unless such laborer, miner, mechanic or  
9 other workman, of his own accord, without compulsion or from fear of loss of employ-  
10 ment, desires to and does enter into a written contract with the person, firm or corpo-  
11 ration employing him, to receive as wages a given amount of goods or supplies—the  
12 kind, price and amount thereof to be specifically described in such contract at the time  
13 of or prior to his engaging in such employment.

§ 2. Any order, check, scrip or other device or consideration to pay in goods or  
2 supplies any laborer, miner, mechanic, or other workman, for labor or service rendered  
3 subsequent to his commencing work for any person, firm or corporation, issued by them  
4 or their authority, shall be null and void, and of no effect whatever: *Provided, how-*  
5 *ever,* that when the provisions of this act shall take effect, any laborer, miner, mechanic

6 or other workman then in the employ of any person, firm or corporation, if desirous of  
 7 receiving goods or supplies as wages, may do so by entering into the contract provided  
 8 for in section 1 of this act, which shall have the same force and effect as though signed  
 9 at the commencement of such employment; and no order, check, scrip or other device  
 10 or consideration representing goods or supplies, issued to such laborer, miner, mechanic  
 11 or other workman, shall be valid or of any effect, unless he shall, prior to receiving it,  
 12 have entered into the contract provided for in said section 1 of this act.

§ 3. It shall be unlawful for any employer, superintendent, agent, foreman, or other  
 2 person in charge of any laborer, miner, mechanic or other workman, to coerce, or at-  
 3 tempt to coerce, any such laborer, miner, mechanic or other workman, to buy goods or  
 4 supplies of his employer, or any other particular person, by threats of discharge or inti-  
 5 mations that his continuance at work depends upon his buying goods of his employer,  
 6 or any other particular person, or to discharge any laborer, miner, mechanic or other  
 7 workman because he has not traded with, or refused to trade with his employer or any  
 8 other particular person.

§ 4. All attempts to evade the operation of this act by periodical discharge of and  
 2 re-hiring the same parties, or by any other device, is hereby declared unlawful.

§ 5. Any person, firm or corporation violating this act, or any of its provisions,  
 2 whether as principal, agent, clerk or otherwise, shall be deemed guilty of a misde-  
 3 meanor, and upon conviction thereof, shall be fined not less than twenty nor more than  
 4 one hundred dollars for each and every offense: *Provided*, that nothing in this act  
 5 shall be construed to apply to farm and domestic servants.

§ 6. All acts or parts of acts inconsistent with the provisions of this act are hereby  
 2 repealed.

1. Introduced by Mr. Artley March 28, 1879, and ordered to first reading.  
First reading April 7th, and referred to Committee on Corporations.
3. Reported back with recommendation it be printed. Tabled and ordered printed.

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## A BILL

For an act to amend section three (2) of an act entitled, "An act in regard to horse and dummy railroad," approved March 13, 1874; in force July 1, 1874.

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SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General*

2 *Assembly,* That section three (3) of an act entitled an act in regard to horse and dummy  
3 railroads, approved March 13, 1874, and in force July 1, 1874, be amended so as to read  
4 as follows: Section 3. No such company shall have the right to locate or construct  
5 its road upon or along any street or alley, or over any public ground in any incorpor-  
6 ated city, town or village, without the consent of the corporate authorities of such city,  
7 town or village, nor upon or along any road or highway, or upon any public ground  
8 without any incorporated city, town or village, except upon the consent of the County  
9 Board. Such consent may be granted for any period not longer than twenty years, on  
10 the petition of the company, upon such terms and condition, not inconsistent with the  
11 provisions of this act, as such corporate authorities or county board, as the case may  
12 be, shall deem for the best interests of the public: *Provided,* no such consent shall be  
13 granted, unless at least ten days' public notice of the time and place of presenting such  
14 petition shall have been first given by publication in some newspaper published in the  
15 city or county, where such road is to be constructed, and except upon the condition  
16 that the company will pay all damages to owners of property abutting upon the street,  
17 alley, road, highway or public ground, upon or over which such road is to be con-



18 structed, which they may sustain by reason of the location or construction of the road,  
19 the same to be ascertained and paid in the manner provided by law, for the exercise of  
20 the right of eminent domain: *And, provided, further,* that any company, in reference  
21 to horse and dummy railroads, to which the right of way has been or may be granted  
22 hereafter, upon any street, alley, road, highway or public ground, build, equip and  
23 maintain such horse or dummy railroad in efficient running order and with sufficient  
24 accommodation for all those who may desire to use the same, over the entire grant of  
25 said right of way, and any company neglecting or refusing to comply with this section,  
26 shall forfeit to the proper corporate authorities all right or interest in said right of way.

1. Introduced by Mr. Merritt, April 7, 1879, and ordered to first reading.
2. First reading April 7, 1879, and referred to Committee on Roads, Highways and Bridges.
3. Reported back April 16, 1879, and ordered to second reading.

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## A BILL

For an act to amend an act entitled "An Act in regard to roads and bridges in counties under township organization," approved May 26, 1877.

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SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That section fifteen of an act entitled "An act in regard to roads and bridges under township organization," approved May 26, 1877, be and the same is hereby amended so as to read as follows:

§ 15. At the first meeting of the commissioners of highways after the annual town meeting in April, to be held within twenty days thereafter, said commissioners shall proceed to choose one of their number as treasurer. The treasurer so chosen shall receive and have charge of all moneys raised in the town for the support and maintenance of roads and bridges; he shall hold such moneys, at all times subject to the order of the commissioners of highways, and shall pay them over upon their order, or a majority of said commissioners, and not otherwise; he shall execute bond with good and sufficient security in such manner as the supervisor and the town clerk shall determine, conditional for the faithful discharge of his duties as such treasurer, and that he will honestly and faithfully account for and pay over upon the order of the commissioners of highways all moneys that shall come to his hands by virtue of his said office, which bond shall be payable to the supervisor of the town and his successor in office, and be approved by the supervisor and town clerk, and filed in the town clerk's office. The treasurer shall keep a correct account of all moneys received and paid out

15 by him in a book provided by the commissioners for that purpose, and said commis-  
16 sioners shall keep a record of their meetings and transactions in a book they shall provide  
17 for that purpose, both of which books shall be open to the inspection of any elector.  
18 Said commissioners shall also choose at the meeting aforesaid one of their number to  
19 act as general overseer of highways in their township, whose duty it shall be to take  
20 charge of and safely keep all tools, implements and machinery belonging to said town,  
21 and shall, in accordance with the direction of the board, have general supervision of all  
22 roads and bridges in their said town. The commissioners shall, also, at said meeting,  
23 divide their town into convenient road districts, and appoint an assistant overseer of  
24 highways therein for the coming year, who shall receive the like pay per day as the  
25 commissioners of highways for the time necessarily and actually employed, and shall  
26 perform their duties under the direction of the commissioners. All persons desiring to  
27 work out their road tax shall report the same to the assistant overseer in their district  
28 within such time as the commissioners may prescribe, and who shall be allowed to  
29 work at the same by contract with the commissioners.

## [Substitute for Senate Bill No. 266.]

1. Introduced by Mr. Mayborne, from Committee on State Charitable Institutions, April 11, 1879, and ordered to first reading.
2. First reading April 12, and referred to Committee on Appropriations.
3. Reported back, passage recommended, and ordered to second reading May 1.

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**A BILL**

For an act to make an appropriation for the benefit of the Deaf and Dumb School,  
at Chicago.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That there be and is hereby appropriated, out of any money in the State treasury not otherwise appropriated, the sum of fifteen thousand (\$15,000) dollars as a donation for the benefit of, and to be used in the support and maintenance of, the School for the Education of Deaf and Dumb Children, located in Chicago, and now under the management and control of the Board of Education of the city of Chicago; said money to be used in the education of deaf and dumb children in said school; and said school shall, so far as its accommodations will permit, receive deaf and dumb children, of school age, from any portion of the State.

§ 2. The Auditor of Public Accounts is hereby authorized and directed to draw his warrant on the State treasury for the sum of money hereby appropriated in favor of the treasurer of the city of Chicago, upon the order of the Board of Education of said city of Chicago, signed by the president and attested by the secretary of said Board, and filed in the office of the Auditor, and such money shall only be drawn from the treasury of said city upon orders of the said Board of Education for the expenses incurred in the education of deaf and dumb children in said school.

[illegible]

1. Reported to House, May 22, 1879.
2. First Reading, May 22, 1879, and referred to Committee on Appropriations.
3. Reported back, and ordered Printed May 23, 1879.

## A BILL

For an act to make an appropriation for the benefit of the Deaf and Dumb School, at  
Chicago.

SECTION 1. *Be it enacted by the people of the State of Illinois represented in the*  
2 *General Assembly.* That there be and is hereby appropriated, out of any money in  
3 the State treasury not otherwise appropriated, the sum of fifteen thousand (\$15,000)  
4 dollars as a donation for the benefit of, and to be used in the support and mainten-  
5 ance of, the School for the Education of Deaf and Dumb Children, located in Chicago,  
6 and now under the management and control of the Board of Education of the city  
7 of Chicago; said money to be used in the education of deaf and dumb children in  
8 said school; and said school shall, so far as its accommodations will permit, receive  
9 deaf and dumb children, of school age, from any portion of the State.

§ 2. The Auditor of Public Accounts is hereby authorized and directed to draw  
2 his warrant on the State treasury for the sum of money hereby appropriated in favor  
3 of the treasurer of the city of Chicago, upon the order of the Board of Education of  
4 said city of Chicago, signed by the president and attested by the secretary of said  
5 Board, and filed in the office of the Auditor, and such money shall only be drawn  
6 from the treasury of said city upon orders of the said Board of Education for the  
7 expenses incurred in the education of deaf and dumb children in said school.



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[In House.]

1. Reported to House May 22, 1879.
2. First reading May 22, and referred to Committee on Appropriations.
3. Reported back and ordered printed May 23.

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## A BILL

For an act making an appropriation for the benefit of the Deaf and Dumb School, at Chicago.

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SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General*

Assembly, That there be and is hereby appropriated, out of any money in the State treasury not otherwise appropriated, the sum of fifteen thousand (\$15,000) dollars as a donation for the benefit of, and to be used in the support and maintenance of, the School for the Education of Deaf and Dumb Children, located in Chicago, and now under the management and control of the Board of Education of the city of Chicago; said money to be used in the education of deaf and dumb children in said school; and said school shall, so far as its accommodations will permit, receive deaf and dumb children, of school age, from any portion of the State.

§ 2. The Auditor of Public Accounts is hereby authorized and directed to draw his warrant on the State treasury for the sum of money hereby appropriated in favor of the treasurer of the city of Chicago, upon the order of the Board of Education of said city of Chicago, signed by the president and attested by the secretary of said Board, and filed in the office of the Auditor, and such money shall only be drawn from the treasury of said city upon orders of the said Board of Education for the expenses incurred in the education of deaf and dumb children in said school.





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(Substitute for Senate Bill No. 367.)

1. Introduced by Mr. Hunt from Committee on Judiciary April 15, 1879, and ordered to first reading.
2. First reading April 15, and ordered to second reading.

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### **A BILL**

For an act to provide for the appointment of School Directors, and members of the Board of Education in certain cases.

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SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That in all cases whereby the provisions of any general or special law of this State heretofore passed, the members of the common council of any city have been made ex-officio school directors, or members of the board of education in and for the school district of which the said city shall constitute the whole or a part, the said school directors or members of the board of education, shall hereafter be appointed as herein after provided.

§ 2. It shall be the duty of the mayor of such city at the regular meeting of the city council in the month of July 1879, to nominate and place before the council for confirmation as school directors, or members of the board of education, as the case may be, two persons from each ward of said city, one from each ward to serve for two years, and one for one year, and annually thereafter he shall nominate one from each ward to serve for two years, and if the persons so appointed shall be confirmed by a majority vote of the city council, to be entered of record, the persons so appointed shall constitute the board of education, or school directors, for such school district. Should the council fail to confirm any person or persons nominated by the mayor at such meeting,

10 he may at the next, or any subsequent meeting, nominate other persons for confirma-  
 11 tion, as heretofore provided; and should a vacancy or vacancies occur in any board  
 12 of education or school directors, the mayor may, at any regular meeting of the city  
 13 council, fill such vacancy or vacancies in the manner above set forth.

3. The said persons shall, as soon as practicable after their appointment, organize  
 2 by electing one of their number president, and another secretary, who shall hold their  
 3 respective offices for one year. All rights, powers and duties heretofore exercised by  
 4 and devolved upon the members of the city council as ex-officio members of the board  
 5 of education or school directors, shall devolve upon and be exercised by the members of  
 6 the board of education and school directors, appointed under the provisions of this act.

§ 4. In all school districts to which this act shall apply, the boards of education or  
 2 school directors shall annually, before the first day of August, certify to the city council  
 3 under the hands and seals of the president and secretary of the board, the amount of  
 4 money required to be raised by taxation for school purposes in said district for the en-  
 5 suing year, and the said city council shall thereupon cause the said amount to be levied  
 6 and collected in the same manner now provided by law for the levy and collection of  
 7 taxes for school purposes in such district, but the amount to be so levied and collected  
 8 shall not exceed the amount now allowed to be collected for school purposes by the  
 9 general school laws of this State; and when such taxes have been collected and paid  
 10 over to the treasurer of such city or school district, as may be provided by the terms of  
 11 the act under which such district has been organized, such funds shall be paid out  
 12 only on the order of the board of education or the school directors, signed by the presi-  
 13 dent and secretary of such board.

(In House.)

1. Reported to House May 5, 1879.
2. First reading May 5, and referred to Committee on Education.
3. Reported back, passage recommended, and ordered to second reading May 13.

## A BILL

For an act to provide for the appointment of School Directors, and members of the Board  
of Education in certain cases.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly,* That in all cases whereby the provisions of any general or special law of this State heretofore passed, the members of the common council of any city have been made ex officio school directors, or members of the board of education in and for the school district of which the said city shall constitute the whole or a part, the said school directors or members of the board of education, shall hereafter be appointed as hereinafter provided.

§ 2. It shall be the duty of the mayor of such city at the regular meeting of the city council in the month of July 1879, to nominate and place before the council for confirmation as school directors, or members of the board of education, as the case may be, two persons from each ward of said city, one from each ward to serve for two years, and one for one year, and annually thereafter he shall nominate one from each ward to serve for two years, and if the persons so appointed shall be confirmed by a majority vote of the city council, to be entered of record, the persons so appointed shall constitute the board of education, or school directors, for such school district. Should the council fail to confirm any person or persons nominated by the mayor at such meeting,

10 he may at the next, or any subsequent meeting, nominate other persons for confirma-  
11 tion, as hereinbefore provided; and should a vacancy or vacancies occur in any board  
12 of education or school directors, the mayor may, at any regular meeting of the city  
13 council, fill such vacancy or vacancies in the manner above set forth.

§ 3. The said persons shall, as soon as practicable after their appointment, organize  
2 by electing one of their number president, and another secretary, who shall hold their  
3 respective offices for one year. All rights, powers and duties heretofore exercised by  
4 and devolved upon the members of the city council as ex officio members of the board  
5 of education or school directors, shall devolve upon and be exercised by the members of  
6 the board of education and school directors, appointed under the provisions of this act.

§ 4. In all school districts to which this act shall apply, the boards of education or  
2 school directors shall annually, before the first day of August, certify to the city council  
3 under the hands and seals of the president and secretary of the board, the amount of  
4 money required to be raised by taxation for school purposes in said district for the en-  
5 suing year, and the said city council shall thereupon cause the said amount to be levied  
6 and collected in the same manner now provided by law for the levy and collection of  
7 taxes for school purposes in such district, but the amount to be so levied and collected  
8 shall not exceed the amount now allowed to be collected for school purposes by the  
9 general school laws of this State; and when such taxes have been collected and paid  
10 over to the treasurer of such city or school district, as may be provided by the terms of  
11 the act under which such district has been organized, such funds shall be paid out  
12 only on the order of the board of education or the school directors, signed by the pres-  
13 ident and secretary of such board.

1. Introduced by Mr. White, April 15, 1879, and ordered to first reading.
2. First reading April 18, and ordered to second reading.

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### **A BILL**

For an act to repeal "An Act to locate, construct and carry on the Southern Illinois Penitentiary," approved May 25, 1877, in force July 1, 1877, and providing for the removal of the convicts confined therein to the Penitentiary at Joliet.

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SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That an act to locate, construct and carry on the Southern Illinois Penitentiary, approved May 25, 1877, in force July 1, 1877, be and the same is hereby repealed, and the penitentiary created under and by virtue of said act is hereby declared to be abolished.

§ 2. It shall be the duty of the warden of said Southern Illinois Penitentiary to convey the convicts confined therein to the Illinois State Penitentiary, at Joliet, immediately after this act shall take effect, and he shall be paid therefor only the actual cost of transporting the same. The Auditor of Public Accounts is hereby authorized and directed to draw his warrant upon the State Treasurer for the cost of such transportation, upon the presentation to him of an itemized statement, approved by the Governor, of the cost of such removal; and the State Treasurer shall pay the same out of any money in the treasury that has been appropriated to the erection or maintenance of the said Southern Penitentiary, or, if there is no money in the treasury that has been appropriated for such purpose, then from any money not appropriated for other purposes.

§ 3. The terms of office of the commissioners of said Southern Illinois Penitentiary, appointed under the provisions of said act, and of the chaplain and physician thereof,

3 shall expire, and all persons employed in or about said penitentiary, except a sufficient  
4 number of guards to guard the prisoners while being removed to Joliet, shall be dis-  
5 charged when this act takes effect. The term of office of the warden of said peniten-  
6 tiary shall expire, and he and the said guards shall be discharged as soon as the re-  
7 moval of the convicts, as provided for in the second section of this act, is completed.

4. The commissioners of the Illinois State Penitentiary at Joliet, shall have exclu-  
2 sive control of the property, both real and personal, now belonging to said Southern  
3 Penitentiary, and may lease, sell or remove the same, or any part thereof, but shall not  
4 confine any convicts therein, or use any part of it, while in its present location as a  
5 prison.

1. Introduced by Mr. Munn, April 15, 1879, and ordered to first reading.
2. First reading April 16, and referred to Committee on Judiciary.
3. Reported back, passage recommended, and ordered to second reading, April 22, 1879.

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## A BILL

For an act to authorize Sheriffs, Coroners and other officers to administer oaths in  
certain cases.

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SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General*  
2 *Assembly,* That all sheriffs, coroners and other officers in this State, who are authorized  
3 by law to take and accept bail or security, shall have power and authority to adminis-  
4 ter oaths to the person or persons who offer to become bail or security, touching or  
5 concerning his or her financial responsibility.

§ 2. Every such person who shall knowingly and corruptly swear falsely, touching  
2 or concerning his or her financial responsibility, shall be deemed guilty of perjury, and  
3 upon conviction shall be punished the same as other cases of perjury.





1. Introduced by Mr. Riddle, April 18, 1879, and ordered to first reading.
2. First reading April 18, and referred to Committee on Warehouses.
3. Reported back, passage recommended, and ordered to second reading, April 19.

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### A BILL

For an act to amend sections one and seven of an act entitled "An Act" for the registry of electors, and to prevent fraudulent voting, approved and in force February 15, 1865.

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SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That section one of an act entitled "An Act for the registry of electors and to prevent fraudulent voting," be, and the same is hereby amended so as to read as follows:

§ 1. That the persons authorized by law, or appointed pursuant to any town or city ordinance, to act as judges of elections, in any town, city or ward, or other election district or precinct in this State, shall constitute a board of registry for their respective towns, cities, wards, districts or precincts, and shall meet on Tuesday, three weeks preceding any state, county or municipal election, at nine o'clock in the morning and proceed to make a list as hereinafter prescribed, of all persons qualified and entitled to vote at the ensuing election, in the election district precinct of which they are judges or inspectors, which list, when completed shall constitute and be known as the "register" of electors of said election district.

§ 7. After said lists shall have been fully completed, the said board shall within three days thereafter cause two copies of the same to be made, each of which shall be certified by them to be a correct list of the voters of their district, one of which shall be filed in the office of the town clerk of towns and in the office of the city clerk of cities;

5 and one of which copies shall be delivered to said judges or inspectors. It shall be the  
6 duty of the said judges or inspectors, so receiving such list, carefully to preserve the  
7 said list for their use on election day and to designate two of their number at the  
8 opening of the polls, to check the name of every voter voting in such district whose  
9 name is on the register. No vote shall be received at any state, county or municipal  
10 election in this State, if the name of the person offering to vote be not on the said regis-  
11 ter, made on the Tuesday preceding the election, unless the person offering to vote shall  
12 furnish to the judges of the election his affidavit in writing, stating therein that he is a  
13 resident and legal voter in said district, and entitled to vote therein at such election, and  
14 prove by the affidavit of a householder and registered voter of the district in which he  
15 offers to vote, that he knows such person to be a resident of and a legal voter in the dis-  
16 trict, and if in any city, giving the residence of such person within said district. The  
17 oath may be administered by one of the judges or inspectors of the election, at the poll  
18 where the vote shall be offered, or by any other person authorized to administer oaths,  
19 but no person shall be authorized to receive compensation for administering the oath.  
20 Said oath shall be preserved and filed in the office of the town or city clerk, or, in case  
21 there be no clerk then said oath shall be filed with and preserved by the judges or in-  
22 spectors of the proper district. Any person may be challenged, and the same oaths  
23 shall be put as now are or may hereafter be prescribed by law (as amended by act ap-  
24 proved March 27, 1874, in force July 1, 1874.)

1. Introduced by Mr. Riddle, April 18, 1879, and ordered to first reading.
2. First reading April 18, and referred to Committee on Warehouses.
3. Reported back, passage recommended, and ordered to second reading, April 19.
4. Second reading, amended, and ordered to third reading, April 29, 1879.

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### A BILL.

For an act to amend section one (1) and seven (7) of an act entitled "An act for the registry of electors, and to prevent fraudulent voting," approved and in force February 14, 1866,

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SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly.* That section one (1) of an act entitled "An act for the registry of electors and to prevent fraudulent voting," be, and the same is hereby amended so as to read as follows:

§ 1. That the persons authorized by law, or appointed pursuant to any town or city ordinance, to act as judges of elections, in any town, city or ward, or other election district or precinct in this State, shall constitute a board of registry for their respective towns, cities, wards, districts or precincts, and shall meet on Tuesday, three weeks preceding any state, county or municipal election, at nine o'clock in the morning and proceed to make a list as hereinafter prescribed, of all persons qualified and entitled to vote at the ensuing election, in the election district precinct of which they are judges or inspectors, which list, when completed shall constitute and be known as the "register" of electors of said election district.

§ 7. After said lists shall have been fully completed, the said board shall within three days thereafter cause two copies of the same to be made, each of which shall be certified by them to be a correct list of the voters of their district, one of which shall be

4 filed in the office of the town clerk of towns and in the office of the city clerk in cities:

5 and one of which copies shall be delivered to each judge or inspector. It shall be the  
6 duty of the said judges or inspectors to preserve such list carefully and to  
7 said list for their use on election day and to designate two of their number at the open-  
8 ing of the polls, to check the name of every voter voting in such district whose name  
9 is on the register. No vote shall be received at any state, county or municipal election  
10 in this State, if the name of the person offering to vote be not on the said register, made  
11 on the Tuesday preceding the election, unless the person offering to vote shall furnish  
12 to the judges of election his affidavit in writing, stating therein that he is a resident and  
13 a legal voter in said district, and entitled to vote therein at such election, and prove by  
14 the oath of a household head or registered voter of the district in which he offers to  
15 vote, that he knows such person to be a resident of and a legal voter in the district, and  
16 if in any city, giving the residence of such person within said district. The oath may  
17 be administered by one of the judges or inspectors of the election, at the poll where the  
18 vote shall be offered, or by any other person authorized to administer oaths, but no per-  
19 son shall be authorized to receive compensation for administering the oath. Said oath  
20 shall be preserved and filed in the office of the town or city clerk, or in case there be no  
21 clerk, then said oath shall be filed with and preserved by the judges or inspectors of the  
22 proper district. Any person may be challenged, and the same oath shall be put in  
23 are or may hereafter be prescribed by law (as amended by act approved March 31, 1874,  
24 in force July 1, 1874.)

25 city ordinance to be made by the judges or inspectors of the election, and to be filed in the  
26 town district in which the election shall be held, and shall be filed in the town clerk's  
27 office, and the judges or inspectors of the election shall be held responsible for the same.  
28 and proceed to make a list as hereinafter prescribed, of all persons qualified and en-  
29 titled to vote at the ensuing election in the election district precinct of which they are  
30 judges or inspectors, which list, when completed shall constitute and be known as the  
31 "register" of electors of said election district.  
32 A. After said lists have been fully completed, the said board shall within three  
33 days thereafter cause two copies of the same to be made, each of which shall be certi-  
34 fied by them to be a correct list of the voters of their district, one of which shall be

1. Introduced by Mr. Riddle, April 18, 1879, and ordered to first reading.
2. First reading April 18, and referred to Committee on Warehouses.
3. Reported back, passage recommended, and ordered to second reading, April 19.
4. Second reading, amended, and ordered to third reading, April 29, 1879.

## A BILL

For an act to amend section one (1) and seven (7) of an act entitled "An act for the registry of electors, and to prevent fraudulent voting," approved and in force February 15, 1868.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That sections one (1) and seven (7) of an act entitled "An act for the registry of electors, and to prevent fraudulent voting," be, and the same are hereby amended as follows:

§ 1. That the persons authorized by law, or appointed pursuant to any town or city ordinance, to act as judges of elections, in any town, city or ward, or other election district or precinct in this State, shall constitute a board of registry for their respective towns, cities, wards, districts or precincts, and shall meet on Tuesday, three weeks preceding any State, county or municipal election, at nine o'clock in the morning and proceed to make a list as hereinafter prescribed, of all persons qualified and entitled to vote at the ensuing election, in the election district precinct of which they are judges or inspectors, which list, when completed shall constitute and be known as the "register" of electors of said election district.

§ 7. After said lists shall have been fully completed, the said board shall within three days thereafter cause two copies of the same to be made, each of which shall be certified by them to be a correct list of the voters of their district, one of which shall be filed in the office of the town clerk of towns and in the office of the city clerk in cities;

5 and one of which copies shall be delivered to said judges or inspectors. It shall be the  
6 duty of the said judges or inspectors, on receiving such list, carefully to preserve the  
7 said list for their use on election day and to designate two of their number at the open-  
8 ing of the polls, to check the name of every voter voting in such district whose name  
9 is on the register. No vote shall be received at any state, county or municipal election  
10 in this State, if the name of the person offering to vote be not on said register, made  
11 on the Tuesday preceding the election, unless the person offering to vote shall furnish  
12 to the judges of election his affidavit in writing, stating therein that he is a resident and  
13 legal voter in said district, and entitled to vote therein at such election, and prove by  
14 the affidavit of a householder and registered voter of the district in which he offers to  
15 vote, that he knows such person to be a resident of and a legal voter in the district, and  
16 if in any city, giving the residence of such person within said district. The oath may  
17 be administered by one of the judges or inspectors of the election, at the polls where the  
18 vote shall be offered, or by any other person authorized to administer oaths, but no per-  
19 son shall be authorized to receive compensation for administering the oath. Said oath  
20 shall be preserved and filed in the office of the town or city clerk, or in case there be no  
21 clerk then said oath shall be filed with and preserved by the judges or inspectors of the  
22 proper district. Any person may be challenged, and the same oaths shall be put as now  
23 are or may hereafter be prescribed by law (as amended by act approved March 27, 1874,  
24 in force July 1, 1874.)

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1. Introduced by Mr. Hunt, April 18, 1879, and ordered to first reading.
  2. First reading April 18, 1879, and referred to committee on judiciary.
  3. Reported back, passage recommended and ordered to second reading, May 20.
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## A BILL

For an act to amend section 48 of an act entitled "An Act in regard to elections, and to provide for filling vacancies in elective offices, in force July 1, 1872.

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SECTION 1. *Be it enacted by the people of the State of Illinois represented in the*  
2 *General Assembly* That section 48 of an act entitled "An Act in regard to elections and  
3 to provide for filling vacancies in elective offices," in force July 1, 1872, be and the  
4 same is hereby amended so as to read as follows:

§ 48 The polls shall be opened at the hour of eight o'clock in the morning,  
2 and continued open until six o'clock in the afternoon of the same day, at which  
3 time the polls shall be closed; but if the judges shall not attend at the hour of eight  
4 o'clock in the morning or if it shall be necessary for the electors present to appoint  
5 judges to conduct the election as hereinbefore prescribed, the polls may in that case  
6 be opened at any hour before the time for closing the same shall arrive, as the case  
7 may require.





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(Substitute for Senate Bill No. 6.)

1. Introduced by Mr. Artley, from Committee on Labor and Manufactures, April 19, 1879, and ordered to first reading.
2. First reading April 19, and ordered to second reading.

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## A BILL

For an Act to create a Bureau of Labor Statistics and to provide for a Board of Commissioners and Secretary.

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**SECTION 1.** *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That it shall be the duty of the Governor with the advice and consent of the Senate, to appoint a board of commissioners of labor, to consist of five members, who shall hold office for two years, three of whom shall be manual laborers, the remaining members of the commission shall be manufacturers or employers of labor in some productive industry, and they shall meet annually on the first Monday in September, at the State Capitol, when they shall organize by electing a president from themselves and appointing a secretary who shall hold office for a term of two years or until his successor is appointed, the said secretary to have no voice in the deliberations of said board, nor to be selected from the said commissioners.

§ 2. The duties of said board shall be to collect, assort, systematize and present in biennial report to the General Assembly, statistical details relating to all departments of labor in the State, especially in its relations to the commercial, industrial, social, educational and sanitary conditions of the laboring classes, and to the permanent prosperity of the mechanical manufacturing and productive industry of the State.

§ 3. The said bureau shall have the power to send for persons and papers, to examine witnesses under oath, and such witness shall be summoned in the same manner and paid the same fees as witnesses before the circuit courts of this State.

§ 4. The compensation of said commissioners shall be five dollars per day, for thirty days of each annual session, and the compensation of said secretary shall be twelve hundred dollars per annum. The amount accruing to said commissioners to be paid to them at the expiration of their said annual session of thirty days, and the auditor of public accounts, being hereby authorized to issue his warrant on the treasury in their favor for the amount specified in this section, and the secretary shall be paid quarterly in the same manner. The auditor is further directed and authorized to draw his warrant for the actual traveling, incidental and office expenses of said commissioners and their secretary on their vouchers sworn to by them and approved by the president of the board and the Governor.

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(In House.)

1. Reported to House May 7, 1879.
2. First reading May 12, and referred to Committee on Labor and Manufacture.
3. Reported back, passage recommended, and ordered to second reading May 13.

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## A BILL

For an act to create a Bureau of Labor Statistics, and to provide for a Board of Commissioners and Secretary.

---

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That it shall be the duty of the Governor with the advice and consent of the Senate, to appoint a board of commissioners of labor, to consist of five members, who shall hold office for two years, three of whom shall be manual laborers, the remaining members of the commission shall be manufacturers or employers of labor in some productive industry, and they shall meet annually on the first Monday in September, at the State Capitol, when they shall organize by electing a president from themselves and appointing a secretary who shall hold office for a term of two years, or until his successor is appointed, the said secretary to have no voice in the deliberations of said board, nor to be selected from the said commissioners.

§ 2. The duties of said board shall be to collect, assort, systematize and present in biennial report to the General Assembly, statistical details relating to all departments of labor in the State, especially in its relations to the commercial, industrial, social, educational and sanitary conditions of the laboring classes, and to the permanent prosperity of the mechanical, manufacturing and productive industry of the State.

§ 3. The compensation of said commissioners shall be five dollars per day, for thirty days of each annual session, and the compensation of said secretary shall be twelve hundred dollars per annum. The amount accruing to said commissioners to be paid to

4 them at the expiration of their said annual session of thirty days, and the Auditor of  
5 Public Accounts, being hereby authorized to issue his warrant on the treasury in their  
6 favor for the amount specified in this section, and the secretary shall be paid quarterly  
7 in the same manner. The Auditor is further directed and authorized to draw his war-  
8 rant for the actual traveling, incidental and office expenses of said commissioners and  
9 their secretary on their vouchers sworn to by them and approved by the president of  
10 the board and the Governor.

1. Introduced by Mr. Hunt, from Judiciary, April 22, 1879, and ordered to first reading.
2. First reading April 26, 1879, and ordered to second reading.
3. May 16, second reading, amended, ordered to third reading.

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## A BILL

For an Act to amend fifty-two (52) of an Act entitled "An Act to establish and maintain a system of free schools," approved April 1, 1872.

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SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly.* That section fifty-two (52) of an Act entitled "An Act to establish and maintain a system of free schools," approved April 1, 1872, be and the same is hereby amended so as to read as follows :

SECTION 52. No teacher shall be entitled to any portion of the common school or township fund, or other public fund, or be employed to teach any school under the control of any board of directors or board of education of any school district of this State, who shall not at the time of his employment have a certificate of qualification obtained under the provisions of this act, entitling him to teach during the entire term of his contract, anything contained in any special law heretofore passed to the contrary notwithstanding ; nor shall any teacher be paid any portion of the school or public fund aforesaid unless he shall have kept and furnished schedules as herein directed, and shall have satisfactorily accounted for the books, apparatus and other property of the district he or she may have taken in charge.



1. Introduced by Mr. Hunt, from Judiciary, April 23, 1879, and ordered to first reading.
2. First reading April 26, 1879, and ordered to second reading.

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## A BILL

For an Act to amend section 52 of an Act entitled "An Act to establish and maintain a system of free schools," approved April 1, 1872.

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SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That section fifty-two of an Act entitled "An Act to establish and maintain a system of free schools," approved April 1, 1872, be and the same is hereby amended so as to read as follows:

SECTION 52. No teacher shall be entitled to any portion of the common school or township fund, or other public fund, or be employed to teach any school under the control of any board of directors or board of education of any school district of this State, who shall not at the time of his employment have a certificate of qualification obtained under the provisions of this act, anything contained in any special law heretofore passed to the contrary notwithstanding; nor shall any teacher be paid any portion of the school or public fund aforesaid unless he shall have kept and furnished schedules as herein directed, and shall have satisfactorily accounted for the books, apparatus and other property of the district he may have taken in charge.





1. Introduced by Mr. Thomas April 24, 1878, and ordered to first reading.
2. First reading April 24, and referred to Committee on Roads, Highways and Bridges.
3. Reported back with recommendation that it be ordered to a second reading.

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## A BILL

For an Act to amend sections 30, 33, 34 and 35 of an act entitled "An Act in regard to Gateways, Roads and Bridges, in Counties not under Township organization," approved and in force April 18, 1873.

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SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly, That sections 30, 33, 34 and 35 of an act entitled "An Act in regard to Gateways, Roads and Bridges, in Counties not under Township Organization," approved and in force April 18, 1873, be so amended as to read as follows:*

SECTION 30. It shall be the duty of the clerk of the county court (county board) in each county, to make out and deliver to the sheriff written notices to all the supervisors as aforesaid, within ten days after such appointment has been made, informing them of their said appointment, and describing the bounds of their respective districts and the roads therein, and the number of days labor assessed by the court on all able-bodied men in his district, to be performed on public roads during the year, and also a list of all persons in such district assessed with a property tax for road purposes, if any such tax shall have been assessed by the county board, and the amount due from each person, and upon what real estate the same is assessed; and the sheriff shall immediately deliver the said notices to the persons, to whom the same shall be directed respectively, and if any supervisor shall refuse to accept his said appointment, the sheriff shall return the said notice to the clerk who issued the same, noting such refusal on the back there-

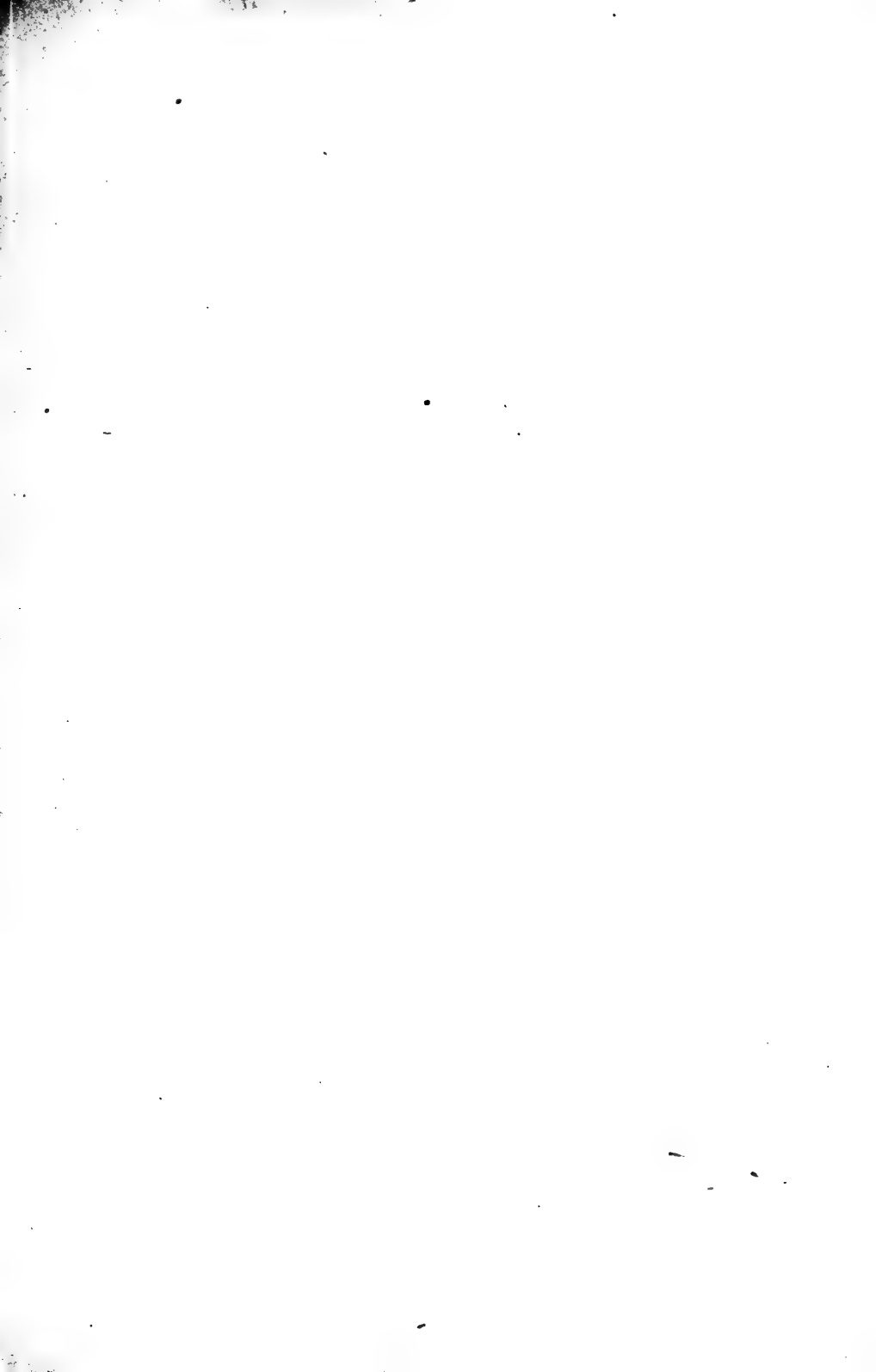
12 of, and the said sheriff shall in all cases make return of acceptance or refusal within  
 13 twenty days after the delivery to him of the notices aforesaid, and for any failure of the  
 14 said clerk to make out and deliver to the said sheriff any one of said notices, he  
 15 shall be fined in the sum of ten dollars, and the sheriff shall incur the same penalty for  
 16 a failure to deliver any one of said notices within the time required in this section.

§ 33. Whenever any public road shall be obstructed by falling timber or otherwise,  
 2 or when it shall become necessary to build or repair any bridge or causeway, it shall be  
 3 the duty of the supervisor to have such obstruction removed, and such bridge or cause-  
 4 way built or repaired, and for that purpose he shall apply the labor and tax under his  
 5 control; but if such tax and labor shall not be sufficient to complete such work, he  
 6 shall report the same to the county board, whose duty it shall be, if they deem such  
 7 work necessary, to immediately cause such obstructions to be removed, or such bridge  
 8 or causeway to be built or repaired, as the case may be, either by contract or otherwise,  
 9 as said board may deem best for the interest of the county; and the cost of such work  
 10 shall be paid out of the county treasury, on the order of the county board.

§ 34. The county boards of the several counties in this State shall, at the December  
 2 term, annually, fix and cause to be entered upon their records a certain number of days,  
 3 not less than two (2) nor more than three (3), that each and every able-bodied man,  
 4 between the ages of twenty-one (21) and fifty (50) years, shall labor on some public  
 5 road within the county, during the year; and it shall be the duty of the clerk of said  
 6 court (county board) to certify to the number of days fixed as aforesaid in the notice  
 7 to each supervisor in said county.

§ 35. The county board of each and every county, in addition to the work required  
 2 in the foregoing section, shall, at the September term, annually, assess a road tax of  
 3 not more than twenty (20) cents on each one hundred dollars' worth of real and per-  
 4 sonal property in their counties, to be collected by the different road supervisors in  
 5 their respective districts, either in money or labor, and if in labor, at the rate of one  
 6 dollar and twenty-five cents for one day's work by a single man, and two dollars and fifty  
 7 cents per day for a man and a two-horse team; and, in addition to such tax and labor, the  
 8 county board may also assess a road or bridge tax not exceeding twenty (20) cents on  
 9 each one hundred dollars' worth of real and personal property in their counties; and a  
 10 column in the tax-book shall designate the amount of such road tax due from each

11 person from whom the same is to be collected; which road tax assessed on property  
12 owned by citizens living in incorporated cities, towns and villages of the county, or  
13 owned by non-residents of the county, shall be collected by the collector, as other county  
14 revenue, and paid into the county treasury: *Provided*, that the county board shall  
15 apply such taxes in the respective districts in which they were collected, as far as  
16 practicable.



1. Reported to House, May 6, 1879.
2. First reading, May 12, 1879, and referred to Committee on Roads, Highways and Bridges.
3. Reported back with amendments, passage recommended, and ordered to second reading, May 22, 1879.

Amend section 35 by substituting as follows:

SECTION 35. The county board of each and every county, in addition to the work required in section thirty-four (34) may, at the September term, annually, assess a road tax of not more than forty (40) cents on each one hundred dollars valuation of taxable property real and personal, within their counties, which road tax shall be extended and collected as other county revenue, and paid into the treasury in like manner; and the county board shall appropriate the same on roads and bridges within the road district from which such tax may be collected, or so much of it as the supervisor of said district shall deem necessary to keep the roads and bridges of such road district in good repair, and all overplus, if there be any, shall be paid into the county treasury, to be expended on roads and bridges within said county as the county board may deem proper.

1. Amendments to S. B. 478 offered by Committee on Roads, Highways and Bridges, May 22, 1879.

Amend title of bill by substituting the following:

"A bill for an act to amend section 35 of an act in regard to gateways, roads and bridges in counties not under township organization, approved and in force April 18, 1873, as amended and approved April 15, 1875."

Amend section 1 to read as follows, viz:

*Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That section 35 of "An Act in regard to gateways, roads and bridges in counties not under township organization, approved and in force April 18, 1873, as amended and approved April 15, 1875, be amended so as to read as follows, viz:

## A BILL

For an Act to amend sections thirty (30), thirty-three (33), thirty-four (34), and thirty-five (35), of an act entitled "An Act in regard to Gateways, Roads and Bridges, in counties not under township organization," approved and in force April 18, 1873:

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SECTION 1. *Be it enacted by the people of the State of Illinois represented in the General Assembly.* That sections thirty (30), thirty-three (33), thirty-four (34), and thirty-five (35), of an act entitled "An Act in regard to Gateways, Roads and Bridges, in counties not under township organizations," approved and in force April 18, 1873, be so amended as to read as follows:

SECTION 30. It shall be the duty of the clerk of the county court (county board) in each county, to make out and deliver to the sheriff written notices to all the supervisors as aforesaid, within ten days after such appointment has been made, informing them of their said appointment, and describing the bounds of their respective districts and the roads therein, and the number of days labor assessed by the court on all able-bodied men in his district, to be performed on public roads during the year, and also a list of all persons in such district assessed with a property tax for road purposes, if any such tax shall have been assessed by the county board, and the amount due from each person, and upon what real estate the same is assessed; and the sheriff shall immediately deliver the said notices to the person, to whom the same shall be directed respectively and if any supervisor shall refuse to accept his said appointment, the sheriff shall return the said notice to the clerk who issued the same, noting such refusal on the back thereof, and the said sheriff shall in all cases make return of acceptance or refusal within twenty days after the delivery to him of the notices aforesaid, and for any failure of the said clerk to make out and deliver to the said

16 sheriff any one of said notices, he shall be fined in the sum of ten dollars, and the  
 17 sheriff shall incur the same penalty for a failure to deliver any one of said notices  
 18 within the time required in this section.

§ 33. Whenever any public road shall be obstructed by falling timber or other-  
 2 wise, or when it shall become necessary to build or repair any bridge or causeway,  
 3 it shall be the duty of the supervisor to have such obstruction removed, and such  
 4 bridge or causeway built or repaired, and for that purpose he shall apply the labor  
 5 and tax under his control; but if such tax and labor shall not be sufficient to com-  
 6 plete such work, he shall report the same to the county board, whose duty it shall  
 7 be, if they deem such work necessary, to immediately cause such obstructions to be  
 8 removed, or such bridge or causeway to be built or repaired, as the case may be, ei-  
 9 ther by contract or otherwise, as said board may deem best for the interest of the  
 10 county; and the cost of such work shall be paid out of the county treasury, on the  
 11 order of the county board.

§ 34. The county boards of the several counties in this State shall, at the Decem-  
 2 ber term, annually, fix and cause to be entered upon their records a certain number  
 3 of days, not less than two (2) nor more than three (3), that each and every able-bodied  
 4 man, between the ages of twenty-one (21) and fifty (50) years, shall labor on some  
 5 public road within the county, during the year; and it shall be the duty of the clerk  
 6 of said court (county board) to certify to the number of days fixed as aforesaid in the  
 7 notice to each supervisor in said county.

§ 35. The county board of each and every county, in addition to the work required  
 2 in the foregoing section, shall, at the September term, annually, assess a road tax of  
 3 not more than twenty (20) cents on each one hundred dollars' worth of real and per-  
 4 sonal property in their counties, to be collected by the different road supervisors in  
 5 their respective districts, either in money or labor, and if in labor, at the rate of one  
 6 dollar and twenty-five cents for one day's work by a single man, and two dollars and  
 7 fifty cents per day for a man and a two-horse team, and, in addition to such tax and



8 labor, the county board may also assess a road or bridge tax not exceeding twenty  
9 (90) cents on each one hundred dollars' worth of real and personal property in their  
10 counties; and a column in the tax-book shall designate the amount of such road tax  
11 due from each person from whom the same is to be collected; which road tax assessed  
12 on property owned by citizens living in incorporated cities, towns and villages in the  
13 county, or owned by non-residents of the county, shall be collected by the collector,  
14 as other county revenue, and paid into the county treasury; *Provided*, that the county  
15 board shall apply such taxes in the respective districts in which they were collected,  
16 as far as practicable.

1. Introduced by Mr. Taliaferro from Miscellany, April 26, 1879, and ordered to first reading.
2. First reading April 26, and ordered to second reading.

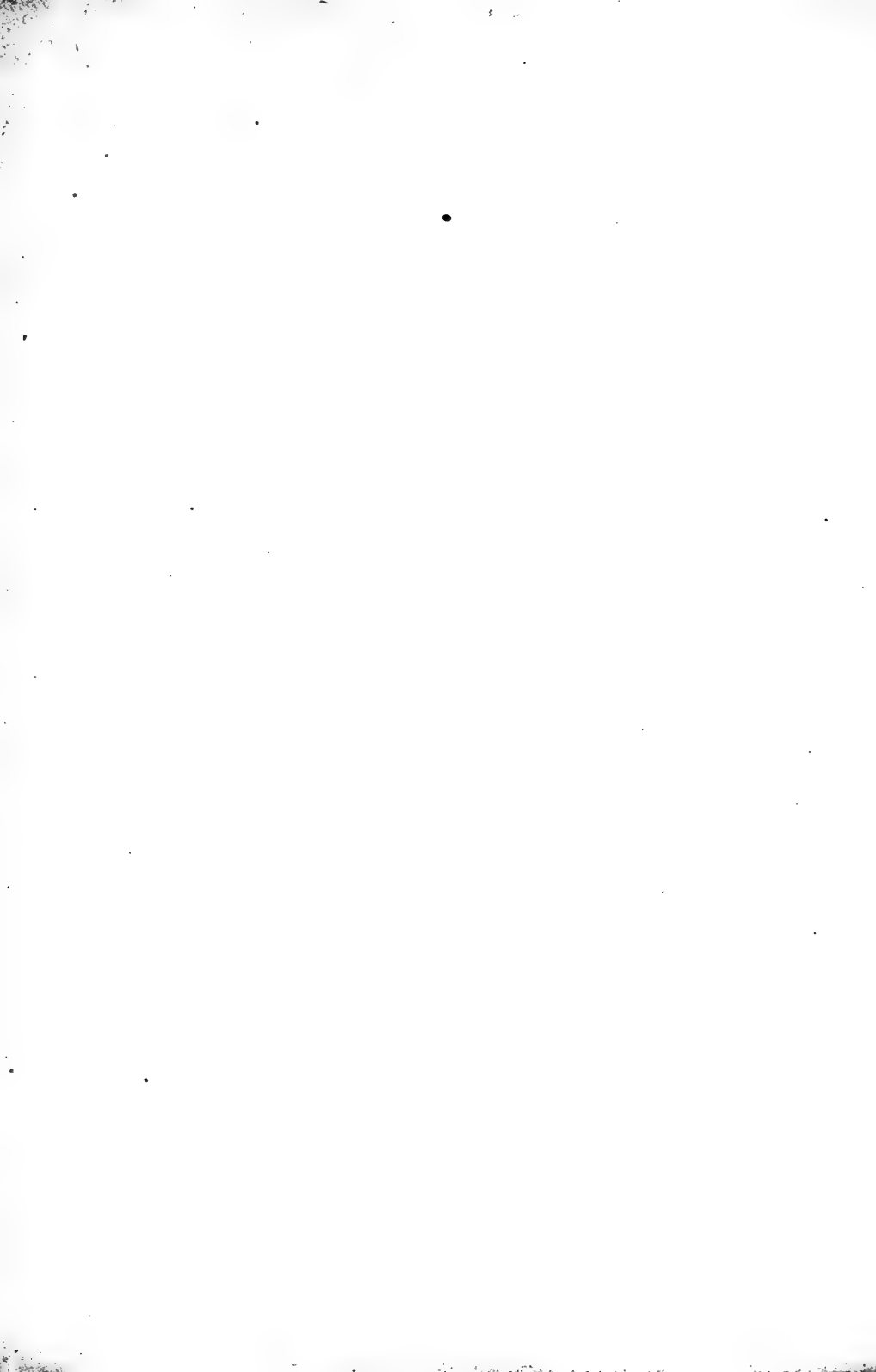
## A BILL

For an act to prohibit the practice of treating with intoxicating liquors in dram shops, saloons, and other places of public resort where intoxicating liquors are sold.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General*

Assembly, Whoever shall give, or offer to give, as a treat, to any other person or persons, or whoever shall accept from any person or persons, as a gift or treat, any intoxicating liquors in any dram shop, saloon, or other public place where intoxicating liquors are sold to be drunk upon the premises, or in or upon any adjacent room, building, yard, premises, or other place of public resort, shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined not less than five (\$5) dollars, nor more than ten (\$10) dollars, for each offense: *Provided*, that any candidate for election to any office whatever, within the gift of the people, who shall be guilty, directly or indirectly, of the aforesaid offense, shall, upon conviction, be fined for each offense not less than ten (\$10) dollars, nor more than fifty (\$50) dollars.

§ 2. The penalties imposed in section one (1) of this act may be enforced by indictment in any court of record having criminal jurisdiction, or before any justice of the peace of the proper county, as in other cases of misdemeanor; and in case of conviction, the offender shall stand committed until the fine and costs are paid; and all fines collected under the provisions of this act shall be paid into the common school fund of the proper county.



1. Introduced by Mr. Dement, from Committee on Miscellany, April 29, 1879, and ordered to first reading.
2. First reading May 3, and ordered to second reading.

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## A BILL

For an act to amend sections three and four of an act entitled "An Act to provide for the licensing of and against the evils arising from the sale of intoxicating liquors," approved March 30, 1874.

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SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That sections three and four of "An Act to provide for the licensing of and against the evils arising from the sale of intoxicating liquors," approved March 30, 1874, be and the same are hereby amended so as to read as follows:

SECTION 2. The county boards of each county may grant licenses to keep dram shops in their county, except within two miles of any incorporated city, town or village in which the corporate authorities have power to license, regulate, restrain or prohibit the sale of liquors, and except in any place where the sale of intoxicating liquors is prohibited by law: *Provided, however,* that no such license shall be granted by the county board except upon the application, by petition, of a majority of the permanent or settled residents, males and females, of the town, who are twenty-one years of age, where the county is under township organization, and if not under township organization, then of a majority of the permanent or settled residents, males and females, of the election precinct or district where the same is proposed to be located, and except upon the payment into the county treasury of such sum as the board may require, not less than \$50 nor more than \$500 for each license: *Provided, also,* that the corporate authorities of incorporated cities, towns or villages shall grant no such license except upon the

petition of a majority of the permanent or settled residents, males and females, over the age of twenty-one years, of the ward or election district therein where the dram shop is proposed to be located; or, if there be no division of wards or election districts, then upon the petition of the residents, as aforesaid, of the entire town or village: *And, provided*, that any license granted in contravention of the provisions of this section shall be utterly null and void. It shall be the duty of the officers taking and revising the registries of legal voters in any ward, election precinct or township, as the case may be, to make separate lists, at the same time and place, and in the same manner, of taking a registration of the female residents of such ward, election precinct or township, over the age of twenty-one years; and such register shall be *prima facie* evidence of residence, in estimating the sufficiency of any petition presented under the provisions of this act, as also the register of legal voters now provided by law, and also in all suits arising under this act. *Provided, also*, that any municipal corporation may, by

§ 4. The license shall state the time for which it is granted, which shall not exceed one year, the place where the dram shop is to be kept, and shall not be transferable, nor shall the person licensed keep a dram shop at more than one place at the same time: and any license granted may be revoked by the county board or corporate authorities, as the case may be, whenever they shall be satisfied that the person licensed has violated any of the provisions of this act, or keeps a disorderly or ill-governed house, or place of resort for idle or dissolute persons, or allows any illegal gaming in his dram shop, or in any house or place adjacent thereto.

1. Introduced by Mr. Kuykendall, April 29, 1879, and ordered to first reading.
2. First reading April 29, and ordered to second reading.

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### **A BILL**

For an act to amend section one of an act entitled "An act providing for the payment by the county of Cook, of further compensation to the judges of the Circuit and Superior Courts, and the State's Attorney of said county, respectively," approved April 12, 1871; in force July 1, 1871.

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SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That section one of an act entitled "An act providing for the payment by the county of Cook, of further compensation to the judges of the Circuit and Superior Courts, and the State's Attorney of said county, respectively," approved April 12, 1871; in force July 1, 1871, be and the same is hereby amended so as to read as follows:

SECTION 1. That the judges of the Circuit and Superior Courts, and the State's Attorney of Cook county shall each be paid by the said county, in addition to the salaries which may be paid to them from the State treasury, such further compensation as will make their respective salaries amount to a sum not exceeding the sum of five thousand dollars per annum.

§ 2. WHEREAS, The term of office of some of the officers whose salaries are changed by this act, expire before the first day of July next, and their successors are elected before that date; therefore, an emergency exists, and this act shall take effect and be in force from and after its passage.

1. Introduced by Mr. Kuykendall, April 20, 1870, and ordered to first reading.
2. First reading April 20, and ordered to second reading.

### A BILL

For an act to amend section one of an act entitled "An act providing for the payment by the county of Cook, of further compensation to the judges of the Circuit and Superior Court, and the State's Attorney of said county," approved April 18, 1871; in force July 1, 1871.

Section 1. Be it enacted by the people of the State of Illinois, represented in the General Assembly, That section one of an act entitled "An act providing for the payment by the county of Cook, of further compensation to the judges of the Circuit and Superior Court, and the State's Attorney of said county," approved April 18, 1871; in force July 1, 1871, be and the same is hereby amended so as to read as follows:

Section 1. That the judges of the Circuit and Superior Court, and the State's Attorney of Cook county shall each be paid by the said county, in addition to the salaries which may be paid to them from the State treasury, such further compensation as will make their respective salaries amount to a sum not exceeding the sum of five thousand dollars per annum.

§ 2. Whereas, The term of office of some of the officers whose salaries are changed by this act, expire before the first day of July next, and their successors are elected before that date; therefore, an emergency exists, and this act shall take effect and be in force from and after its passage.

1. Reported to House May 9th, 1879.
  2. First reading May 12th, 1879, and referred to committee on retrenchment.
  3. Reported back May 16th, 1879, to lie on table.
  4. May 19th, 1879, on motion taken from table and ordered to a second reading.
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## A BILL

For an act to amend section one of an act entitled "An Act providing for the payment by the county of Cook, of further compensation to the judges of the Circuit and Superior Courts, and the State's Attorney of said county, respectively," approved April 18th, 1871; in force July 1st, 1871.

---

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That section one of an act entitled "An Act providing for the payment by the county of Cook, for further compensation to the judges of the Circuit and Superior Courts, and the State's Attorney of said county, respectively," approved April 18, 1871; in force July 1, 1871, be and the same is hereby amended so as to read as follows.

SECTION. 1. That the judges of the Circuit and Superior Courts, and the State's Attorney of Cook county shall each be paid by the said county, in addition to the salaries which may be paid to them from the State treasury, such further compensation as will make their respective salaries amount to a sum not exceeding the sum of five thousand dollars per annum.

§ 2. WHEREAS, The term of office of some of the officers whose salaries are changed by this act, expire before the first day of July next, and their successors are elected before that date; therefore, an emergency exists, and this act shall take effect and be in force from and after its passage.



1. Introduced by Mr. Mayborn, May 1, 1879, and ordered to first reading.
2. First reading May 1, and referred to Committee on Appropriations.
3. Reported back, passage recommended, and ordered to second reading May 7.

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## A BILL

For an act making an appropriation for the purpose of constructing a sewer for the  
Illinois Central Hospital for the Insane.

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SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the sum of three thousand nine hundred and ninety-six dollars (\$3996) be and the same is hereby appropriated, out of any moneys in the State treasury not otherwise appropriated, for the purpose of constructing a sewer leading from the Central Illinois Hospital for the Insane to the Mauviasterre creek. The trustees of said hospital are hereby charged with the duty of locating and constructing said sewer. The same shall be of sufficient capacity to carry off all the sewage of said hospital, and its total cost shall not exceed the amount herein appropriated.

§ 2. The Auditor of Public Accounts is hereby directed to draw his warrant for said sum of money, upon presentation of the proper vouchers therefor, payable to the person or persons therein named.

1. Reported to House, May 20, 1879.
2. First Reading, May 20, 1879, and referred to Committee on Appropriations.
3. Reported back Passage Recommended, and ordered to Second Reading, May 22, 1879.

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## A BILL

For an act making an appropriation for the purpose of constructing a sewer for the  
Illinois Central Hospital for the Insane

---

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the*  
2 *General Assembly,* That the sum of three thousand nine hundred and ninety-six dol-  
3 lars (\$3996) be and the same is hereby appropriated, out of any moneys in the State  
4 treasury not otherwise appropriated, for the purpose of constructing a sewer leading  
5 from the Central Illinois Hospital for the Insane to the Mauviasterre creek. The  
6 trustees of said hospital are hereby charged with the duty of locating and construc-  
7 ting said sewer. The same shall be of sufficient capacity to carry off all the sewage  
8 of said hospital, and its total cost shall not exceed the amount herein appropriated.

§ 2. The Auditor of Public Accounts is hereby directed to draw his warrant for  
2 said sum of money, upon presentation of the proper vouchers therefor, payable to  
3 the person or persons therein named.

1. Introduced by Mr Taliaferro, from Committee on Agriculture and Drainage, May 2, 1879, and ordered to First reading.
  2. First reading May 2, and ordered to second reading.
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## A BILL

For an act to provide for the organization of Drainage Districts and to provide for the construction, maintenance and repair of drains, ditches and levees, by special assessments on the property benefited thereby.

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SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the Commissioners of Highways in every township in the several counties under township organization, in this State, shall be the Drainage Commissioners in and for their respective townships and as such shall be a body politic and corporate, and be the corporate authorities of all drainage districts within their townships, may sue and be sued, and exercise all the powers and perform all the duties hereinafter set forth. In all legal proceedings begun and carried on under the provisions of this act their corporate name shall be the Drainage Commissioners of (name of township) township, (name of county) county, and State of Illinois.

§ 2. The town clerk shall be the clerk of the drainage commissioners, he shall be the custodian of all papers and records pertaining to drainage matters in his township, and shall keep in a well bound book to be known as the Drainage Record, a record of the proceedings of the commissioners, and shall enter at length therein, all the findings and orders of the commissioners pertaining to the subject of drainage.

§ 3. The following proceedings shall be taken for the purpose of organizing a drainage district: A petition shall be presented to the town clerk, signed by a majority in number of the adult owners of lands lying in said proposed district, and they

4 shall be the owners in the aggregate of more than one third of the lands lying in said  
 5 district, setting forth the boundaries of said district, giving the numbers of  
 6 sections or fractional parts thereof. Said petition shall state that the lands lying with-  
 7 in the boundaries of said proposed district require a combined system of drainage or  
 8 protection from overflow; that the petitioners desire that a drainage district may be  
 9 organized embracing the lands therein mentioned, for the purpose of constructing, re-  
 10 pairing or maintaining a drain or drains, ditch or ditches, or levee or levees, within  
 11 said district, for agricultural, sanitary or mining purposes, by special assessments upon  
 12 the property benefitted thereby. Said petition shall be accompanied by a bond to the  
 13 Drainage commissioners, signed by at least two responsible persons, conditioned for the  
 14 payment of all costs occasioned by said proceedings, in case said district shall not be  
 15 organized.

§ 4. It shall be the duty of the town clerk to file said petition in his office, and he  
 2 shall within five days after the filing of said petition, give notice by posting written or  
 3 printed notices in at least six public places in said township that a meeting of the  
 4 drainage commissioners will be held at his office at a time to be named in said notice,  
 5 not less than eight days nor more than fifteen days from the date of said notice, for the  
 6 purpose of organizing said drainage district. He shall also file a copy of said notice  
 7 in his office.

§ 5. It shall be the duty of the drainage commissioners to meet at the time and  
 2 place mentioned in said notice, and the clerk shall lay before them the said petition and  
 3 all other papers in the case, and they shall thereupon proceed to ascertain whether the  
 4 said petition contains the signatures of a majority of the adult persons owning land in  
 5 said district, and if they are the owners of more than one third of the land situate in  
 6 said district; and the affidavits of two or more credible signers of said petition that  
 7 they have examined the same, are acquainted with the locality of the district, and  
 8 that they believe that said petition is signed by a majority of the adult owners of land  
 9 in said district, and that said signers are the owners of more than one-  
 10 third of the lands in said district, the same may be taken as *prima facie* evidence  
 11 of the facts set forth in said petition as against the owners of lands in said district, and  
 12 as conclusive evidence against all persons signing said petition that they have accepted  
 13 the provisions of this act as to the assessments of benefits and damages hereunder. At

14 such meeting, any other owners of land within said district shall be permitted to place  
 15 their names on said petition, if they so desire. Any person owning land in said dis-  
 16 trict, whose name does not appear on said petition, may, at said time and place, appear  
 17 and controvert any material statement in said petition; and any person who has signed  
 18 said petition may deny or withdraw his signature thereto, on payment of his propor-  
 19 tion of costs incurred to that date; and for the purposes of such hearing, the said offi-  
 20 cers shall have full power to administer oaths to and examine all witnesses produced,  
 21 and shall decide all such controverted questions at such time and place, and make a  
 22 written statement of their finding, to be filed with the papers in the case.

§ 6. If the commissioners shall find that the petition has not been signed by a  
 2 majority of the adult owners of land situated in said proposed district, or that the  
 3 signers of said petition do not own more than one-third of the lands in said district,  
 4 they shall so decide, and the petition shall be dismissed at the cost of the petitioners,  
 5 which costs shall be apportioned among the petitioners according to acreage of their  
 6 lands respectively situated in said district. But such apportionment shall not prevent  
 7 the commissioners from collecting such costs from the sureties required in section three  
 8 of this act.

§ 7. If the commissioners shall find that the petition is signed by a majority of the  
 2 adult persons owning lands in said proposed district, and that the signers own more  
 than one-third of the lands situated therein, they shall so decide, and shall make a  
 4 written statement of their finding, and shall file said statement with the other papers in  
 5 the case; and the clerk shall enter the same in his record: *Provided*, that if the com-  
 6 missioners shall fail to complete their investigations on the day of meeting, they may  
 7 adjourn to another day not more than three days from each first day, and may, for  
 8 good cause shown, again adjourn in like manner until such investigation is concluded.

§ 8. If the commissioners shall find in favor of the petitioners, as set forth in the last  
 2 preceding section, they shall then adjourn their meeting to a time not less than eight  
 3 days nor more than fifteen days, of which time the clerk shall give notice. The com-  
 4 missioners shall, in the meantime, go upon the lands included in the proposed district,  
 5 and personally examine the same, and they shall have power to employ a competent  
 6 civil engineer, who shall thereupon proceed to make an accurate survey of the proposed  
 7 work (and also, if said work is for drainage of any adjacent lands, if such there be, not

8 included within the boundaries of the proposed district, the drainage of which would  
 9 require to be conducted to the same outlet, or across any portion of the lands included  
 10 in said district); and, on the completion of said survey, he shall return a certified map  
 11 or maps of the same, setting forth a description of each separate tract of land through  
 12 which said work is located, or which is affected thereby, its situation and level as com-  
 13 pared with adjoining lands; he shall indicate the line or lines of the proposed work,  
 14 and make plans, profiles and specifications, and an estimate of the expense thereof, and  
 15 if the work proposed is a ditch, it shall be based upon calculations of the amount of  
 16 water liable to be discharged from the whole area, together with such other facts as he  
 17 may deem material. The said map and report of the engineer shall be filed in the  
 18 office of the town clerk on or before the day of the adjourned meeting.

§ 9. At the time appointed for the adjourned meeting, the commissioners shall meet  
 2 and examine the map and report of the engineer, and if, from their own examination  
 3 and said map and report, it shall appear that the lands included in the proposed district  
 4 will be benefitted for agricultural, sanitary or mining purposes by the construction of a  
 5 levee or drain, or a combined system of drainage, they shall so find; unless they shall  
 6 find from the evidence of witnesses then introduced that the cost of the proposed work  
 7 will exceed the benefits to be derived therefrom. And should they find in favor of the  
 8 petitioners, or should a majority of the owners of land, owning more than one third of  
 9 the lands lying in said proposed district, still desire the formation of said district, and  
 10 such desire shall be evidenced by a failure to withdraw their signatures from the petition,  
 11 the commissioners shall enter on their record an order in writing organizing said drain-  
 12 age district, and such district shall thereupon be declared fully organized. Each dis-  
 13 trict shall be designated by a number, as District No. , in township,  
 14 county, and State of Illinois.

§ 10. Upon the organization of any drainage district as above provided, it shall be  
 2 the duty of the commissioners to go upon the lands included in such district, and locate  
 3 the work proposed to be constructed, substantially on the lines indicated on the maps,  
 4 which maps, as finally adopted, shall be signed by the commissioners or a majority of  
 5 them, and shall be recorded in the drainage record.

§ 11. The commissioners shall then proceed to procure the right of way for said  
 2 work from the owners of the land upon which the same may pass, so far as they can do

so by agreement with said owners, which release or releases of right of way shall be in writing, and shall be a perpetual bar to all claims for damages by the grantor or grantors or their assigns, on account of the construction of such work. Such release or releases shall be filed in the town clerk's office, and he shall cause the same to be recorded in the office of the recorder of deeds in and for the county in which said lands are situated: *Provided*, that should the commissioners be compelled to pay damages for the right of way in any lands over which any work may run by virtue of the finding of a jury called to assess damages, as herei after provided, that then and in that case they shall allow damages equitably to other owners of lands through which such work may be located, notwithstanding such owners may have released such right of way without adequate compensation.

§ 12. Should the commissioners be unable to procure the right of way by agreement with the owner or owners of any lands over which the work may be located, they shall file a statement in writing with some justice of the peace in the vicinity, requesting him to issue a *venue* for a jury to assess the damages in such case or cases; and it shall thereupon be the duty of the justice to issue a *venue* for a jury of six disinterested freeholders to appear at his office at a day and hour therein named, not less than five nor more than eight days therefrom, for the purpose of assessing the damages in the case or cases mentioned. The justice shall at the same time cause a notice or notices in writing to be served upon the owner or owners of the lands in question, informing him or them of the time and place when the said case or cases will be tried. Said notices may be substantially in the following form:

To A. B.                      You are hereby notified that a jury has been called to meet at my office in                      township                      county, on the                      day of                      A. D. 18                      for the purpose of assessing damages in the matter of the Drainage Commissioners of                      township                      county, against you; when and where you can appear and assert your rights in the premises if you desire.

C. S.                      J. P.

Said notice shall be served by a constable in the same manner and with like effect as process in civil cases, and his return thereon shall show the manner such service was made; and for such service he shall be allowed the same fees as for service of process in civil cases: *Provided*, that where it shall be made to appear that any of such own-

ers are non-resident, unknown, or minors, notice of such proceeding shall be given by publication in some newspaper published in said county, for two successive weeks prior to the time of such hearing, which notice shall be substantially in the form given above: *Provided, further,* that in any case where the damages will probably exceed two hundred dollars the proceedings shall be begun in the county court.

§ 13. When the jury shall appear, as provided in the foregoing section, the trial shall be conducted as other cases before a justice of the peace, or county court, as the case may be; either party may have the same number of challenges and for the same causes as in other cases before justices of the peace, or the county court, as the case may be. The jury shall hear the evidence offered in the case as to the value of the land proposed to be taken, and all damages consequent upon the construction of the proposed work; and may go upon the premises for the purpose of viewing them, and they shall return as their verdict the amount of damages found, if any, in favor of the owner or owners, and against the commissioners, and the justice of the peace, or county judge, shall enter judgment for the amount of such verdict, which judgment shall be final and conclusive. Vacancies in the panel of jurors shall be filled the same as vacancies in other cases, but vacancies shall in all cases be filled by freeholders, and the same jury shall hear and determine all cases for which the *writ* was issued, and shall return separate verdicts as to each owner or joint owners. And the justice or judge shall thereupon file in the office of the clerk of the drainage commissioners a certified transcript of the proceedings before him in each case.

§ 14. At the earliest practicable day after the organization of the district, the commissioners shall proceed to view the line or lines of the proposed work and determine the cost of the same; and shall view the lands to be benefited thereby, and ascertain, to the best of their judgment, the amount of the benefits which will accrue to each tract of land to be affected thereby; and shall assess to each tract of land its proportionate share of the entire cost of such work; but in no event shall any tract of land be assessed for benefits in a greater amount than its proportionate share of the estimated cost of the work and all expenses of proceedings, nor in a greater amount than it will be benefited by the proposed work according to the best judgment of the commissioners; and they shall make out and file in the office of the town clerk an assessment roll, in which shall be set down in proper columns the names of the owners, when known



12 and when unknown, stating "unknown;" a description of the premises affected, in  
 13 words or figures, or both, as shall be most convenient; the number of acres in each  
 14 tract, the amount of land taken from such tract, and the value thereof; and if damages  
 15 are allowed, the amount of the same; and if benefits are assessed, the amount of the  
 16 same: and in case damages are allowed to and benefits assessed against the same tract  
 17 of land, the balance, if any, shall be carried forward to a separate column for damages  
 18 or benefits, as the case may be.

§ 15. When it shall appear to the commissioners that a drain, ditch or levee has  
 2 been, in whole or in part, previously constructed for the purpose of draining or protect-  
 3 ing from overflow any land to be affected by the work proposed under this act, and  
 4 such original work can be advantageously utilized, they may estimate the value of  
 5 such old ditch or levee, and allow the owner such part thereof as will make an equality  
 6 of burdens and benefits as between the several owners of lands in the said district.

§ 16. The commissioners shall cause to be personally served upon all parties owning  
 2 land to be affected by the proposed work, and residing in the county, a written or  
 3 printed notice of the time when and place where they will meet to hear any and all  
 4 objections that may be made to their special assessments for benefits, and shall cause to  
 5 be sent, by mail, such notice to all owners who do not reside in the county, whose land  
 6 is to be affected, in case their post office address is known to petitioners, or any of them,  
 7 or can be ascertained by use of reasonable diligence; and in case the land of any  
 8 non-resident or minor is to be affected, then publication shall be made in some news-  
 9 paper published in said county, for three successive weeks prior to the time of such  
 10 hearing.

§ 17. The affidavit of any credible person or persons that he has or they have posted  
 2 such notices hereinbefore required, and the certificate of the publishers of such news-  
 3 paper as to such publication, shall be sufficient evidence of such facts.

§ 18. At the time of meeting for hearing objections to the special assessments made  
 2 by the commissioners, they shall hear whatever objections may be urged by any person  
 3 interested, to any special assessment made by the commissioners, and if satisfied that  
 4 any injustice has been done in any special assessment, they shall correct the same in  
 5 accordance with justice and the right of the matter; but if not so satisfied, they shall  
 6 confirm the assessment as originally made, and enter an order to that effect. Any

7 person appearing and urging objections, who is not satisfied with the decision of the  
 8 commissioners in confirming a special assessment against his lands, may appeal from  
 9 the decision of the commissioners to the supervisors of the county, within ten days  
 10 after the decision of the commissioners has been rendered, by filing with the town clerk  
 11 a bond, with security, in double the amount of the assessment, payable to the commis-  
 12 sioners, conditioned for the payment of the assessment and all costs occasioned by the  
 13 appeal, in case said assessment shall be affirmed.

§ 19. It shall be the duty of the town clerk to summon three supervisors of the  
 2 county living nearest the office of the town clerk, but outside his township, to meet  
 3 at his office at a time not more than ten days from the filing of the appeal bond for the  
 4 purpose of hearing any appeal or appeals that may be taken from the decision of the  
 5 commissioners. Should any of said supervisors fail to appear at the time named, the  
 6 clerk may adjourn said meeting for a period not exceeding five days and summon an-  
 7 other supervisor or supervisors to fill the vacancy or vacancies.

§ 20. Whenever the supervisors summoned to hear appeals shall all appear as here-  
 2 inbefore provided, it shall be the duty of the town clerk to lay before them the assess-  
 3 ment roll, and they shall examine the same, and may hear testimony in support of such  
 4 assessment appealed from and in opposition to the same, and may, if they deem it  
 5 necessary, visit the lands upon which assessments have been made. Should the super-  
 6 visors, after hearing the case, affirm the action of the commissioners, they shall file  
 7 with the clerk their decision to that effect. Should they deem the assessment exces-  
 8 sive, they may enter an order remitting such portion of such assessment as they deem  
 9 in excess of right; or should they deem the assessment wholly erroneous they may  
 10 wholly annul the same; and the clerk shall correct the assessment roll in accordance  
 11 with the decision of the supervisors: *Provided*, That either party aggrieved by the de-  
 12 cision of the supervisors may appeal to the county court by filing bond in the county  
 13 clerk's office within ten days from the time when the supervisors render their decision,  
 14 the party against whose land an assessment has been made shall appeal only on the  
 15 ground that such assessment is greater in amount than the benefits accruing to said lands  
 16 by the construction of the proposed work. Should the commissioners appeal they may  
 17 do so without giving bond. Should the person against whose lands an assessment has

18 been made appeal, the bond shall be conditioned for the payment of whatever judg-  
 19 ment shall be rendered against him in the county court.

§ 21. Appeals taken to the county court under the provisions of this act may be  
 2 heard at any term thereof, provided ten days has intervened from the time of taking  
 3 such appeal and the first day of the term, and if not ten days, then such appeal shall be  
 4 heard at the next term; and trials shall be conducted as in other cases of appeals.  
 5 Should the decision of the supervisors be affirmed or wholly reversed, costs shall  
 6 follow the judgment; but should such decision be modified, costs may be apportioned  
 7 by the court in its discretion: *Provided*, that in any proceedings under this act, where  
 8 any costs have been unnecessarily or improperly made, such costs may be adjudged  
 9 against the party making the same.

§ 22. The taking of any appeal by any person or persons, as herein provided, shall  
 2 not operate to delay the collection of any special assessment from which no appeal has  
 3 been taken, nor delay the progress of the work.

§ 23. At the time of confirming such special assessment, it shall be competent for  
 2 the commissioners to order the assessment of benefits to be paid in installments of such  
 3 amounts and at such times as will be convenient for the accomplishment of the pro-  
 4 posed work; otherwise, the whole amount of such assessment shall be payable imme-  
 5 diately upon such confirmation, and shall be a lien upon the lands assessed until paid; and  
 6 such assessments shall draw interest at the rate of eight per cent per annum from the  
 7 time they shall become payable till they are paid, and such interest may be collected  
 8 and enforced as part of the assessments.

§ 24. Immediately after the entry of such confirmation of the special assessments,  
 2 the clerk shall make out and certify to the treasurer a copy of said assessment roll;  
 3 and the said treasurer shall execute bond to the people of the State of Illinois for the  
 4 use of all persons interested, in a sum not less than twice the amount of assessments  
 5 levied, conditioned for the faithful performance of his duties as treasurer of said drain-  
 6 age district, and that he will faithfully account for all money that, by virtue of said  
 7 office, shall come to his hands; and such bond shall be with such sureties as may be  
 8 approved by the commissioners, and said bond shall be kept and preserved in the town  
 9 clerk's office.

§ 25. It shall be the duty of said treasurer to keep proper books, furnished him by

the commissioners, in which he shall keep an accurate account of all moneys received by him, and of all disbursements of the same; he shall pay out no money except upon the order of a majority of the commissioners, and shall carefully preserve on file all orders for the payment of money, given him by the commissioners, and shall turn over all books, papers, vouchers, moneys and property belonging to and in his hands, as such treasurer, to his successor in office.

§ 26. The said commissioners, when they have procured the right of way for the proposed work, shall divide the levee or levees, ditch or ditches, into sections a quarter of a mile in length, except the remainder or remainders, after taking out as many full sections as the work contains, which remainder or remainders may be let with the adjoining section, or separately, as the commissioners may think best; or they may let the same in one contract.

§ 27. Upon the confirmation of the assessment, the commissioners shall cause notice to be given of the time and place of the letting, and of the kind and amount of work to be done, and where plans of the same may be seen, by publication for twenty days in some newspaper printed or published in said county. Said bids shall be under seal, and the commissioners may reject any and all bids, and may continue the letting from time to time if, in their judgment, the same be necessary. If the cost of the entire work will not exceed five hundred dollars, the commissioners shall let the same at such time and in such manner as they may think best. Said commissioners shall not, during their term of office, be interested, directly or indirectly, in any contract for the construction, repair or maintenance of any work in such drainage district, nor in the wages nor supplies to men or teams employed on any work under their jurisdiction. Any person or persons taking any work under contract shall, on the completion thereof, according to contract, be paid for such work by the treasurer, upon the order of the commissioners. If any person or persons to whom any portion of said work shall be let as aforesaid, shall fail to perform said work, the same shall be re-let in such manner as the commissioners may think best.

§ 28. In case any person assessed for benefits contracts to do any work, and said work is done according to contract, the commissioners shall give said person a receipt for so much of said assessment as said work amounts to, and said work may be received by the treasurer as payment of so much of said assessment.

§ 29. All excess, if any, of allowances for right of way and damages, over the amount of special assessment for benefits against the same person, shall be paid or tendered to the owners thereof, before the commissioners shall be authorized to enter upon said lands for the construction of any work thereon; in case the owner is unknown, or there shall be a contest in regard to the ownership of the land, or the commissioners cannot, for any reason, safely pay the same to the owner, they may deposit the same with the clerk of the county court, and the court may order the payment thereof to such party as shall appear to be entitled to the same.

§ 30. The commissioners may use money arising from the collection of assessments for the purpose of compromising suits and controversies arising under this act, and in employment of all necessary agents and attorneys in the prosecution or defence of said operations, and to pay all necessary employees.

§ 31. The commissioners, from the time of receiving any petition, may authorize any employes to go upon the lands lying within said district, for the purpose of examining the same and making surveys; and after payment or tender of compensation allowed, may authorize all contractors, with their servants, teams, tools, instruments, or other equipments for the purpose of constructing such proposed work, and may ever thereafter enter upon said lands as aforesaid, for the purpose of maintaining or repairing such work, doing no more damage than the necessity of the occasion may require, and any person who shall wilfully prohibit or prevent any of the aforesaid persons from entering such lands for the purpose aforesaid, shall be fined in a sum not to exceed twenty-five dollars per day, for such hindrance, to be collected as other fines.

§ 32. When the assessments hereinbefore made shall be inadequate to complete the work proposed, or when assessments shall be necessary for maintenance and repair, each tract of land shall be assessed such proportion of the additional cost as its original assessment bore to the total original assessment, and the said additional assessment shall be made by the commissioners in the same manner as the original assessment was made; and in all subsequent matters in relation thereto, the same proceedings shall be had as hereinbefore required in regard to original assessments.

§ 33. The commissioners shall have power and are hereby required to make all necessary bridges and culverts for the protection of ditches made hereunder; but said bridges and culverts shall be paid for as follows: When in a public highway, it shall

4 be paid out of the road and bridge tax; and when in a farm, it shall be paid for by the  
5 owner of the farm.

§ 34. During the progress of the work, or at any subsequent time the commissioners  
2 when petitioned to create a "sub-district" (within any district organized as aforesaid)  
3 for the purpose of constructing any lateral drain or drains for the further reclamation  
4 of lands within such "sub-district" by special assessments of the property benefited  
5 thereby, shall be governed by the provisions of this act which are applicable thereto.

§ 35. Nothing in this act shall be construed to forbid or prevent the drainage of any  
2 lands, the drainage of which would require to be conducted to the same outlet through  
3 which the waters of any ditch constructed under this act shall flow.

§ 36. Any person who shall wrongfully and purposely fill up, cut, injure, destroy, or  
2 in any manner impair the usefulness of any drain, ditch, or other work constructed,  
3 established, or lying within any district organized under this act for the purpose of  
4 drainage or protection against overflow, may be fined in any sum not exceeding two  
5 hundred dollars, to be recovered before a justice of the peace in the proper county: or,  
6 if the injury be to any levee where lands shall be overflowed, he may, on conviction in  
7 any court of competent jurisdiction, be fined in any sum not exceeding five thousand  
8 dollars, and shall be deemed guilty of a felony and imprisoned in the State penitentiary  
9 for a term of not less than one nor more than two years, at the discretion of the court.  
10 All complaints under this section shall be in the name of the people of the State of  
11 Illinois, and all fines, when collected, shall be paid over to the proper commissioners,  
12 to be used for the work so injured.

§ 37. In additions to the penalties provided in the preceding section, the person so  
2 wrongtully or purposely filling up or in any manner impairing the usefulness of any  
3 such drain or drains shall be liable to the commissioners having charge thereof for all  
4 damages occasioned to such work, and to the owners and occupants of land for  
5 all damages that may result to them by such wrongful act, which may be recovered be-  
6 fore a justice of the peace, if within his jurisdiction, or before any court of competent  
7 jurisdiction.

§ 38. All ditches, drains and levees shall, at all times, be kept in good order  
2 and repair by the commissioners, and the lands affected by said work, shall pay

3 their proportionate amount of cost, which shall be in the same proportion that the  
4 lands were originally assessed.

§ 39. For a failure to perform any of the duties imposed upon them by the provisions of this act, the commissioners so failing shall individually, upon complaint made  
2 under oath by any person who has paid a special assessment for the construction, maintenance or repair of such work, be liable to a fine not exceeding one hundred dollars,  
3 to be recovered in an action in the name of the people of the State of Illinois, for the  
4 use of the district interested, before any justice of the peace of the county, and all fines,  
5 when collected, shall be paid to the treasurer of the district.

§ 40. It shall be the duty of the treasurer of each and every drainage district to  
2 make out a certified list of such delinquent lands upon which the assessments remain  
3 unpaid, and the same shall be by him, on or before the 10th day of March next after  
4 the same have become payable, returned to the county treasurer of the county or  
5 counties in which such lands shall lie; and it shall be the duty of the treasurer to whom  
6 such return has been made to transfer the amounts thereof from such returns to the tax  
7 books in his hands, setting down therein, opposite the respective tracts or lots, in proper  
8 columns prepared for that purpose, the amount assessed against each tract or lot; and  
9 the like proceedings shall be had, and with like force and effect, in the collection of  
10 such delinquent assessments and the sales of said lands for the non-payment thereof as  
11 in ordinary collections of State and county taxes by county treasurers, and of sales of  
12 real estate by them for such non-payment and of redemptions from such sales.

§ 41. Notwithstanding the returns of such delinquent list, the said treasurer of the  
2 drainage district may receive payment of any such delinquent assessments and costs, and  
3 may give receipts for the same, but shall keep a memorandum of the same, and on or  
4 before the day of sale fixed by said county treasurer for sale of such lands, shall present  
5 said memorandum or list to said county treasurer, for the purpose of having the same  
6 checked or marked paid on the delinquent list in his hands: and all amounts collected  
7 by the said county treasurer by sale or otherwise, after deductions of his fees, shall be  
8 paid to the treasurer of the drainage district, on demand.

§ 42. When the certified list of such delinquent lands upon which the assessments  
2 remain unpaid has come into the hands of the county treasurer, as aforesaid, the said  
3 treasurer shall execute bond to the drainage commissioners for the use of all persons

interested, in a sum not less than twice the amount of the delinquent assessments, conditioned for the faithful performance of his duties as collector of said delinquent assessments of said drainage district, and that he will faithfully account for all moneys that by virtue of said delinquent assessments, shall come to his hands; and such bond shall be with such sureties as may be approved by the county judge, and said bond shall be kept and preserved in the county clerk's office.

#### COUNTIES NOT UNDER TOWNSHIP ORGANIZATION.

§ 43. The county commissioners, in counties not under township organization, shall be the drainage commissioners in and for their respective counties, shall be a body politic and corporate, with like powers and duties as drainage commissioners as hereinbefore provided for. In all legal proceedings under this act their corporate name shall be "The Drainage Commissioners of                      County, State of Illinois." In such counties the county clerk shall be the clerk of the drainage commissioners, and he shall perform all duties devolved upon clerks of drainage commissioners, as hereinbefore specified in this act.

§ 44. Whenever a majority of the adult owners of land, and owning more than one-third of any area of lands lying in a county not under township organization and requiring a combined system of drainage or protection from overflow, desire to form a drainage district, they shall file in the office of the county clerk a petition setting forth the facts as provided in section three of this act; which petition shall be accompanied by a bond as in said section provided. It shall thereupon be the duty of the clerk to give notice that a meeting of the drainage commissioners will be held, as provided in section four of this act.

§ 45. The commissioners shall meet at the time mentioned in said notice and examine the said petition, and they shall thenceforth, in all preliminary and subsequent matters, as to the organization of such district, location of work, procuring right of way, awards of damages, levy of special assessments for benefits, confirmation of the same and other matters, proceed in accordance with the provisions of this act in regard to the duties and powers of drainage commissioners of townships, and shall in all cases be vested with the same powers and exercise the same duties as such commissioners.

§ 46. Appeals from the orders of drainage commissioners, confirming any special assessments in counties not under township organization, may be taken by any person



interested, who is not satisfied with the decision of the commissioners to the county clerk, county treasurer and county assessor, who shall constitute a board of appeals, who shall meet when notified by the clerk for the purpose of hearing appeals in such cases; and at such meeting they shall proceed as heretofore provided for supervisors when hearing appeals in like cases. Either party aggrieved by the action of the board of appeals may appeal therefrom to the county court on the same conditions, under the same restrictions and with the like effect as heretofore provided for appeals from supervisors.

DISTRICTS COMPOSED OF LANDS LYING IN TWO COUNTIES, OR IN TWO TOWNSHIPS IN COUNTIES UNDER TOWNSHIP ORGANIZATION.

§ 47. When lands lying in two counties, or in two townships in counties under township organization, would be benefited by a combined system of drainage or levees, and a majority of the owners of such lands, owning more than one-third of such lands, desire the formation of a drainage district, they may file a petition as provided in section three of this act, in the office of the clerk of that board of commissioners in whose jurisdiction the greater part of said lands are situated. It shall thereupon be the duty of said clerk to give notice as provided in said section, and at the meeting held in pursuance of such notice both boards of commissioners shall act; and should a district be organized, all of such commissioners shall constitute the drainage commissioners of such district, and in the preliminary, and all subsequent proceedings in regard to formation of such district, construction of works therein, procuring right of way, the award for damages, the levy and collection of special assessments for benefits, the confirmation thereof and appeals therefrom, they shall proceed as heretofore provided: *Provided*, that all proceedings for condemnation of right of way and the assessment of damages consequent upon the construction of such work, shall take place in the county in which the lands affected are situated. The clerk in whose office the petition is filed shall be the clerk of such drainage commissioners.

§ 48. When such district lies wholly within a county or counties under township organization, appeals from the order of the commissioners confirming special assessments shall be taken to three supervisors, as heretofore provided, but where the district lies in two counties, all of such supervisors shall not reside in the same county. When such district lies wholly within counties not under township organization, appeals shall

7 be taken to the county clerks, county treasurers and county assessors of the sever-  
 8 al counties, who shall act as a joint board of appeal. And when the district lies partly in a  
 9 county under township organization and partly in a county not under township organ-  
 10 ization, the appeal shall lie to a board consisting of three supervisors from the county  
 11 under township organization, chosen as provided in section nineteen of this act; and  
 12 the county clerk, treasurer and assessor of the county not under township organization  
 13 shall act as a joint board. All of said boards of appeal in this section provided for shall  
 14 proceed and determine the cases submitted to them in the manner and to the effect set  
 15 forth in section twenty hereof. From the decisions of any of the boards of appeal men-  
 16 tioned in this section, appeals shall lie, as provided in section twenty of this act, to the  
 17 county court of the county in which the land concerning which the appeal is taken is  
 18 situated and such appeal shall be tried in like manner and with like effect as hereinbe-  
 19 fore provided in cases of appeals to such courts. Districts lying in two townships or  
 20 counties shall be designated as Union District No. , in , and town-  
 21 ship or counties, as the case may be.

#### SPECIAL DRAINAGE DISTRICTS.

§ 49. Whenever a majority of the adult owners of and, who shall be the owners of  
 2 more than one-third of the lands in any area of territory lying in more than two town-  
 3 ships either in the same or different counties under township organization, or lying par-  
 4 tially in more than two townships, in a county under township organization, and part-  
 5 ly in a county not under township organization, shall file in the office of the clerk of  
 6 the county court of the county in which the greater part of such lands shall lie, a peti-  
 7 tion setting forth the facts as provided in section 3 of this act, and praying that a special  
 8 drainage district may be formed, it shall be the duty of said clerk to give notice by  
 9 posting written or printed notices in at least six public places in such township or county  
 10 in which said proposed district or any part thereof shall lie, and also by publication in  
 11 some weekly newspaper published in his county for two successive weeks, stating the  
 12 day when such petition will be heard, which hearing may be at any term of said court,  
 13 occurring not less than ten days after the last publication above provided for. The  
 14 petition above mentioned shall in all cases be accompanied by a bond conditioned for  
 15 the payment of all costs to the officers of the court, or accruing to other parties by vir-

16 tue of such proceeding, in case such district is not established; which bond shall be  
17 signed by at least three responsible persons and approved by the clerk.

§ 50. It shall be the duty of the said court at the time set for such hearing, to ex-  
2 amine the said petition, and if the court shall find, upon examination, that it is signed  
3 by a majority of the adult owners of the lands within said proposed district, and that  
4 such signers are the owners of more than one-third of the lands lying therein, the court  
5 shall so find. The affidavits of three credible signers of such petition that they have  
6 examined the same, that they are acquainted with the locality, and they verily believe  
7 that such petition is signed by a majority of the adult owners of lands lying in said pro-  
8 posed district, and that they are the owners in the aggregate of more than one-third of  
9 such lands, shall be taken as prima facie evidence of such facts, against all persons own-  
10 ing lands therein, and as conclusive evidence against all the signers of such petition of  
11 the facts therein stated, and that they have accepted the provisions of this act as to the  
12 assessments of benefits and damages hereunder. At such meeting any other owners of  
13 land within said district shall be permitted to place their names on said petition if they  
14 so desire. Any person owning land in said district whose name is not on said petition,  
15 may, at said time and place, appear and controvert any material statement in said pe-  
16 tition, or any signer thereof may deny or withdraw his signature thereto on payment of  
17 his proportion of costs incurred to that date, and for the purpose of such hearing the  
18 court shall have power to examine witnesses produced at such time.

§ 51. Should the court find against the petitioners, it shall enter an order to that  
2 effect, and the petition shall thereupon be dismissed at the cost of the petitioners.  
3 Should the court find in favor of the petitioners, it shall enter an order to that effect  
4 and it shall thereupon be the duty of the court to appoint three drainage commission-  
5 ers for said district, who shall at once proceed to the examination, survey and organi-  
6 zation of said district in all matters as provided in sections eight and nine of this act,  
7 and the clerk shall give notice of the time when and place where the commissioners will  
8 meet to complete the organization of such district, which time shall not be more than thir-  
9 ty days subsequent to the date of the appointment of such commissioners. At the meet-  
10 ing for completing the organization of such district the proceedings shall in all respects  
11 conform to the requirements of this act, as set forth in the matter of the formation of  
12 districts lying wholly within a township. Upon the filing of the order of the commis-

13 sioners declaring such district organized, the clerk shall enter the same of record, and  
 14 said district shall thereupon be deemed fully organized.

§ 52. Each special drainage district organized as herein provided, shall be known  
 2 and designated by a name, as " Special Drainage District, in the county or  
 3 counties of , and State of Illinois." The commissioners thereof shall be a  
 4 body politic and corporate, with like powers as herein conferred upon other drainage  
 5 commissioners.

§ 53. So soon as a special drainage district has been organized, it shall be the duty  
 3 of the county clerk, who shall be the clerk of the commissioners thereof, to give notice  
 4 by posting written or printed notices in at least six public places in said district, that on  
 5 a day therein named, not less than ten days from the date of notice, at a place in said  
 6 notice designated, an election will be held for the purpose of electing three drainage  
 7 commissioners for said district.

§ 54. At all elections held for the election of drainage commissioners, the drainage  
 3 commissioners then in office shall be the judges of election, and in the absence of any  
 4 of them the electors present may choose a person or persons to fill the vacancy or vacan-  
 5 cies. Such elections shall be conducted in all respects in accordance with the general  
 6 election laws of this state: *Provided*, That no person shall be eligible to the office of  
 7 drainage commissioner, or to vote at any election held hereunder who is not a resident  
 8 of and an owner of land in such district. The returns of such election shall be trans-  
 9 mitted to the clerk of the commissioners, who shall canvass the vote as the returns for  
 10 the election of county officers are canvassed, and the three persons having the highest  
 11 number of votes shall be declared elected, and the clerk shall thereupon notify said  
 12 persons of their election. The persons so elected shall determine among themselves by  
 13 lot their respective terms of office, one of whom shall serve for one year, one for two  
 14 years, and one for three years, or such parts thereof as may expire upon the election of  
 15 their successors respectively; and annually thereafter, on the first Saturday of Septem-  
 16 ber, there shall be elected in each special district one drainage commissioner, who shall  
 17 hold his office for three years and until his successor is elected and qualified.

§ 55. Said commissioners shall thereupon each take an oath to faithfully discharge  
 3 the duties of his office as drainage commissioner, which oath shall be signed by him  
 4 and filed in the office of the clerk. They shall then appoint some person who shall be

4 a land owner within and a resident of said district, as treasurer, who shall give bond to  
 5 the commissioners in such sum as shall be fixed by them, not less than double the  
 6 amount likely to come into his hands in any one year, which bond shall be signed by at  
 7 least two responsible securities and approved by the commissioners and filed in the  
 8 office of the clerk. He shall hold his office for two years, but may be removed by the  
 9 commissioners at any time for cause. He shall have like powers and perform the same  
 10 duties herein provided for other treasurers of drainage districts. He shall pay out  
 11 moneys only on orders signed by the commissioners, or a majority of them.

§ 56. The commissioners shall then at once proceed to locate the drain or drains,  
 2 ditch or ditches, levee or levees, procure the right of way, institute proceedings there-  
 3 for, and for the award for damages consequent upon the construction of the proposed  
 4 work, make special assessments for benefits, and in all the foregoing and subsequent  
 5 proceedings, including the letting of contracts, the confirmation and collection of special  
 6 assessments and all other matters they shall be governed by the provisions of this act  
 7 relating to the powers and duties of drainage commissioners of townships.

§ 57. Appeals from the orders of the commissioners of special districts confirming  
 2 special assessments, if the district lies wholly within a county or counties under town-  
 3 ship organization shall be taken to three supervisors, as provided for appeals in cases of  
 4 districts lying wholly within a township or in two counties under township organiza-  
 5 tion, as the case may be. If the district lies within a county or counties under town-  
 6 ship organization, and a county or counties not under township organization, the ap-  
 7 peal shall be taken to the joint boards of appeal of the several counties. From the de-  
 8 cision of such tribunals appeals shall be as heretofore provided, and with like effect  
 9 to the county court of the county in which the land upon which the assessment made is  
 10 situated.

§ 58. The commissioners may borrow money not exceeding in amount, half the  
 2 amount of assessments unpaid at the time of borrowing, for the construction of any  
 3 work which they shall be authorized to construct, and may secure the same by notes or  
 4 bonds bearing interest at the rate not exceeding eight per cent per annum, and not run-  
 5 ning beyond one year after the last assessment on account of which the money is bor-  
 6 rowed shall fall due, which notes or bonds shall not be held to make the commissioners

7 personally liable for the money borrowed, but shall constitute a lien upon the assess-  
 8 ment for the repayment of the principal and interest thereon.

§ 59. The lands embraced in any drainage district organized under this act shall be  
 2 liable for any and all damages which may be sustained by any lands in consequence of  
 3 the construction of any work hereunder.

§ 60. The commissioners of any drainage district organized for the purpose of con-  
 2 structing a levee or levees, shall have the power to connect its levee or levees with the  
 3 levee or levees of any other district; and shall have the right to cause the land lying  
 4 in such adjoining district and benefitted by the construction of such latter levee or  
 5 levees to be assessed in the manner prescribed by this act for the assessments of benefits  
 6 to pay for such construction.

§ 61. In all districts, in counties under township organization, the supervisor of  
 2 the township in which the district is situated shall be the treasurer of the district.

3 When the district lies in two townships, the supervisor of one of the townships,  
 4 to be designated by the commissioners, shall be the treasurer.

5 When a district lies in a county not under township organization, the county treas-  
 6 urer shall be the treasurer, and when the district lies in two counties not under town-  
 7 ship organization, the commissioners shall appoint the treasurer of one of said counties  
 8 the treasurer of the district.

9 When a district lies partly in a county under township organization, and partly in  
 10 a county not under township organization, the commissioners may appoint either a  
 11 supervisor or county treasurer as the treasurer of the district, as they may determine.

12 The treasurer shall in all cases give to the commissioners a bond in double the  
 13 amount of the sum likely to come into his hands for the use of the district interested.

§ 61½. The word "ditch," when used in this act, shall be held to include a drain or  
 2 water course, and the petition for any such improvement, shall be held to include any  
 3 lateral ditch, drain, or water course necessary to be constructed to secure the object of  
 4 the improvement, whether the same be mentioned therein or not, and this act shall ex-  
 5 tend to and include the straightening of streams and water courses, and cleaning drift-  
 6 wood out of the same, and the making of such ditches or drains as may be found neces-  
 7 sary to divide the overflow of any stream or water course.

## AN OWNER, OR JOINT OWNERS AS TENANTS IN COMMON, TO PROCURE OUTFALLS.

§ 62. Any owner, or joint owners as tenants in common, desirous to drain the same and in order thereto deem it necessary that a new drain or drains should be opened through lands belonging to another owner, or that an existing drain or drains in lands belonging to another owner should be cleansed, widened, straightened, or otherwise improved, may apply to such owner, who is hereinafter referred to as the adjoining owner, for leave to make such drain or drains, or improvement in drain or drains, through or on the lands of such adjoining owner.

§ 63. Any such application as aforesaid shall be by notice in writing, under the hand of the applicant, and shall be served on the owner, and also on the occupier, if the owner be not the occupier. The notice shall state the nature of such drain or drains, or improvements in drain or drains, be accompanied by a map, on which the the length and depth, and if an open ditch, the width, of the proposed drain or drains, or improvements in drain or drains, shall be delineated, and shall further state the compensation, if any, which the applicant proposes to pay, or which the applicant proposes that the adjoining owner shall pay.

§ 64. The adjoining owner may, by deed, under his hand and seal, assent to such application, upon such terms and payment of such compensation as may be agreed upon; and any assent so given, or agreement so made, shall be binding on all parties, their heirs and assigns.

§ 65. The applicant shall cause to be recorded, in the recorder's office in the county wherein the land is situate, the deed containing the assent of the adjoining owner to the proposed drain or drains, or improvement in drain or drains, and, also, a map showing the location of the same.

66. If the adjoining owner does not assent to the application, then the said person making the application may give notice, in writing, to said adjoining owner, and, also, to the occupier, if the owner be not the occupier, that he will, on a day named, not less than five days thereafter, apply to the drainage commissioners to locate said drain or drains.

§ 67. Upon the receipt of such application, it shall thereupon be the duty of the drainage commissioners, at the time mentioned in said notice, to go upon the lands and

3 examine the line or lines of the proposed ditch or ditches; and they shall have power  
 4 to make such alteration, either in the location or mode of construction, as they may  
 5 deem best, and may form a drainage district embracing such drain or drains, and shall  
 6 enter on their record an order, in writing, organizing said drainage district, and such  
 7 district shall thereupon be declared organized. The maps, as finally adopted, shall be  
 8 signed by the commissioners, or a majority of them, and shall be recorded in the drain-  
 9 age record.

§ 68. The further proceedings for procuring right of way, award of damages, levy  
 2 of special assessments for benefits, confirmation of the same and other matters, shall be  
 3 in accordance with the provisions of this act, which are applicable thereto.

§ 69. The commissioners and clerk, and members of boards of appeals shall each  
 2 receive two dollars per day for the time actually employed in the discharge of the duties  
 3 prescribed by this act; the compensation to be paid by the district for which the service  
 4 may be rendered. Their accounts for services shall be rendered under oath and filed  
 5 with the clerk, and kept by him with and among the records of his office. The treas-  
 6 urer shall receive, as his compensation, two per cent. of the funds collected by him, and  
 7 one per cent on the amount paid him by the county treasurer. The county treasurer  
 8 shall be entitled, as his compensation two per cent, on the amount collected by him  
 9 on delinquent assessments.

§ 70. WHEREAS, There is no law now in force providing for the construction, repair or  
 2 maintenance of ditches, drains and levees, by special assessments: therefore, an emer-  
 3 gency exists, and this act shall be in force from and after its passage.



Sections 46, 48 and 70, of Senate Bill 486, as amended by Senate May 7 and 8, 1879.

SECTION 46. Appeals from the orders of drainage commissioners, confirming any special assessments in counties not under township organization, may be taken by any person interested, who is not satisfied with the decision of the commissioners to the county surveyor, county treasurer and sheriff, who shall constitute a board of appeals, who shall meet when notified by the clerk for the purpose of hearing appeals in such cases; and at such meeting they shall proceed as hereinbefore provided for supervisors when hearing appeals in like cases. Either party aggrieved by the action of the board of appeals may appeal therefrom to the county court on the same conditions, under the same restrictions, and with the like effect as hereinbefore provided for appeals from supervisors.

SECTION 48. When such district lies wholly within a county or counties under township organization, appeals from the order of the commissioners confirming special assessments shall be taken to three supervisors, as hereinbefore provided, but where the district lies in two counties, all of such supervisors shall not reside in the same county. When such district lies wholly within counties not under township organization, appeals shall be taken to the county surveyors, county treasurers and sheriffs of the several counties, who shall act as a joint board of appeal. And when the district lies partly in a county under township organization and partly in a county not under township organization, the appeal shall lie to a board consisting of three supervisors from the county under township organization, chosen as provided in section nineteen of this act; and the county surveyor, treasurer and sheriff of the county not under township organization shall act as a joint board. All of said boards of appeal in this section provided for shall proceed and determine the cases submitted to them in the manner and to the effect set forth in section twenty hereof. From the decisions of any of the boards of appeal mentioned in this section, appeals shall lie, as provided in section twenty of this act, to the county court of the county in which the land concerning which

17 the appeal is taken is situated, and such appeal shall be tried in like manner and with  
18 like effect as hereinbefore provided in cases of appeals to such courts. Districts lying  
19 in two townships or counties shall be designated as Union District No. , in  
20 and township or counties, as the case may be.

SECTION 70. WHEREAS, There is no law now in force providing for the construction,  
2 repair or maintenance of ditches, drains and levees, by special assessments; therefore,  
3 an emergency exists, and this act shall be in force from and after its passage; but this  
4 act shall not be construed to repeal or interfere with any other law on the subject  
5 of drainage passed by this or any subsequent General Assembly.

1. Introduced by Mr. Joslyn May 18, 1879, and ordered to first reading.
2. First reading May 18, and ordered to second reading.

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## A BILL

For an Act making an appropriation for the payment of the Officers and Members of the next General Assembly, and for the salaries of the Officers of the State Government.

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SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly,* That there be, and is hereby appropriated the sum of seven hundred thousand dollars (\$700,000), or so much thereof as may be necessary, to pay the officers and members of the next General Assembly, and the salaries of the officers of the State Government, at such rate of compensation as is now, or hereafter may be fixed by law, until the expiration of the first fiscal quarter after the adjournment of the next regular session of the General Assembly.



(In House.)

1. Reported to House May 27, 1879.
2. First reading May 27, and ordered to second reading.
3. Second reading and ordered to third reading May 28.

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### A BILL

For an Act making an appropriation for the payment of the Officers and Members of the next General Assembly, and for the salaries of the Officers of the State Government.

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SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That there be, and is hereby appropriated the sum of seven hundred thousand and dollars (\$700,000), or so much thereof as may be necessary, to pay the officers and members of the next General Assembly, and the salaries of the officers of the State Government, at such rate of compensation as is now, or hereafter may be fixed by law, until the expiration of the first fiscal quarter after the adjournment of the next regular session of the General Assembly.*



1. Introduced by Mr. Joslyn, from Committee on Appropriations May 15, 1899, and ordered to first reading.
2. First reading May 15, and ordered to second reading.

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## A BILL

For an act to provide for the ordinary and contingent expenses of the State government until the expiration of the first fiscal quarter after the adjournment of the next regular session of the General Assembly.

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SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly.* That the following named sums be and are hereby appropriated to meet the ordinary and contingent expenses of the State government, until the expiration of the first fiscal quarter after the adjournment of the next regular session of the General Assembly.

First—A sum not exceeding three thousand five hundred dollars (\$3,500) per annum, shall be subject to the order of the Governor for defraying all such public expenses of the State government as are unforeseen by the General Assembly and not otherwise provided for by law, payment to be made from time to time upon bills of particulars certified by the Governor.

Second—The sum of three thousand dollars (\$3,000) per annum, for clerk hire in the Governor's office, payable quarterly, upon the Governor's order.

Third—To the Governor's office, for postage, express, telegraphing and other incidental expenses, a sum not exceeding seven hundred and fifty dollars per annum, to be paid on bill of particulars, certified by the Governor.

Fourth—To the Governor's office, for porter, six hundred dollars per annum, payable quarterly, upon the order of the Governor.

3 To the Governor, for repairs and care of the executive mansion and grounds, and for  
 4 heating and lighting the executive mansion, three thousand dollars (\$3,000) per annum,  
 5 to be paid upon bills of particulars, certified to by the Governor.

Fifth—To the Secretary of State, for clerk hire in his office, the sum of ten thousand  
 2 and five hundred dollars (\$10,500) per annum, payable quarterly, on his order. To the  
 3 Secretary of State, for repairs, postage, expressage, telegraphing and other incidental  
 4 expenses of the office, a sum not exceeding three thousand dollars (\$3,000) per annum,  
 5 payable upon bills of particulars, certified by the Secretary of State and approved by  
 6 the Governor. To the Secretary of State, for two porters and messengers, the sum of  
 7 seven hundred dollars (\$700) each per annum, payable quarterly on his order; also, for  
 8 continuing the work of judging, classifying and arranging the files and records of the  
 9 office of the State Department, the sum of three thousand dollars (\$3,000) per annum, pay-  
 10 able upon bills of particulars, certified by the Secretary of State and approved by the Gov-  
 11 ernor. To the Secretary of State, for the payment of all incidental expenses incurred by  
 12 the Secretary of State in the care and custody of the State House and grounds and other  
 13 State property, and in repairs and improvements of the same, and for the performance  
 14 of such other duties as may be imposed upon him by law, and for which no other appro-  
 15 priation has been made, the sum of fifteen thousand dollars for the year 1879, and the  
 16 sum of fifteen thousand dollars for the year 1880, payable upon bills of particulars, cer-  
 17 tified by the Secretary of State and approved by the Governor.

Sixth—To the Auditor of Public Accounts, for clerk hire, the sum of seven thous-  
 2 and five hundred dollars (\$7,500) to be paid quarterly. To the Auditor of Public Ac-  
 3 counts, for two porters and messengers, the sum of six hundred dollars each, per an-  
 4 num, payable quarterly on his order. To the office of Auditor of Public Accounts for  
 5 repairs, postage, express charges, telegraphing and other necessary expenses incurred  
 6 in the discharge of the duties thereof, a sum not exceeding one thousand five hundred  
 7 dollars (\$1,500) per annum.

Seventh—To the State Treasurer for clerk hire, the sum of four thousand dollars  
 2 (\$4,000) per annum, payable quarterly on his order. To the office of the State Treas-  
 3 urer, for repairs, express charges, postage, telegraphing and other necessary office ex-  
 4 penses, a sum not to exceed one thousand dollars (\$1,000) per annum, payable upon  
 5 bills of particulars certified by him and approved by the Governor. To the State



6 Treasurer, the sum of three thousand and two hundred dollars (\$3,200) per annum, for  
 7 two night and two day watchmen, and the sum of six hundred dollars (\$600) per an-  
 8 num, for one porter, payable quarterly on his order. To the State Treasurer, the sum  
 9 of four thousand dollars (\$4,000) or as much thereof as may be necessary for altera-  
 10 tions, repairs and refitting his office, payable on bills of particulars, certified by him  
 11 and approved by the Governor.

Eighth—To the Superintendent of Public Instruction, for clerk hire, the sum of two  
 2 thousand and seven hundred dollars (\$2,700) per annum, and for a janitor, porter and  
 3 messenger, who shall also perform the duties of clerk when not otherwise employed,  
 4 the sum of eight hundred (\$800) per annum, payable quarterly upon his order. To the  
 5 Superintendent of Public Instruction for repairs, periodicals and educational works  
 6 and other necessary expenses of said office, a sum not exceeding one thousand five hun-  
 7 dred dollars per annum, payable on bills of particulars certified him and approved by  
 8 the Governor. Appropriations made by this clause to be paid out of the State school  
 9 fund.

Ninth—To the Attorney General for clerk hire, the sum of twenty five hundred  
 2 dollars (\$2,500) per annum, payable quarterly on his order. For porter and messenger  
 3 for the Attorney General the sum of six hundred dollars (\$600) per annum, payable  
 4 quarterly on his order. To the office of the Attorney General for telegraphing, postage  
 5 and other necessary expenses of the Attorney General incurred in the discharge of  
 6 the duties of his office a sum not exceeding two thousand dollars (\$2,000) per annum,  
 7 payable on bills of particulars certified by him and approved by the Governor.

Tenth—To the office of Adjutant General the sum of six hundred dollars per an-  
 2 num for janitor and ordnance sergeant to keep the State arms in order, payable on  
 3 his order; also for telegraphing, postage and office expenses a sum not exceeding sev-  
 4 en hundred dollars (\$700) per annum, payable on bills of particulars certified by the  
 5 Adjutant General and approved by the Governor.

Eleventh.—To the custodian of field notes and surveys for his office expenses the sum  
 2 of six hundred (\$600) per annum, and for one janitor and messenger two hundred dol-  
 3 lars (\$200) per annum payable on bills of particulars certified by him and approved by  
 4 the Governor.

**Twelfth.**—To the Board of Public Charities, for expenses including the salary of secretary and clerk, a sum not exceeding seven thousand dollars (\$7,000) per annum, payable quarterly on bills of particulars approved by the Governor.

**Thirteenth.**—A sum not exceeding two thousand dollars (\$2,000) per annum, for costs and expenses on State suits to be paid on bills of particulars certified by the Auditor and approved by the Governor.

**Fourteenth.**—A sum not exceeding twenty-five thousand dollars, or so much thereof as may be necessary, for conveying convicts to the penitentiary, to be paid on the Warden's certificate, at the compensation fixed by the general law, the Auditor to compute the distance by the nearest railroad route.

**Fifteenth.**—For the payment of the expenses provided for by law for the apprehension and delivery of fugitives from justice, twenty thousand dollars (\$20,000), or so much thereof as may be necessary, payable out of the levy of 1878, and ten thousand dollars payable out of the levy of 1879, to be paid on the evidence required by law, certified to and approved by the Governor.

**Sixteenth.**—The sum of three thousand dollars (\$3,000) per annum, or so much thereof as may be needed, for conveying juvenile offenders to the Reform School at Pontiac, on the certificate of delivery, at the rate of compensation allowed by law, the Auditor to compute the distance by the nearest railroad route.

**Seventeenth.**—For printing paper and stationery, for the use of the General Assembly and executive departments purchased on contracts as required by law, payable on delivery thereof on bills of particulars certified to by the Board of Commissioners of State Contracts and approved by the Governor the sum of twenty thousand dollars (\$20,000) or so much thereof as may be needed payable out of the levy of 1873, and fifteen thousand dollars payable out of the levy of 1879.

**Eighteenth.**—There is hereby appropriated to defray the incidental and contingent expenses of the Supreme Courts, to-wit: For stationery, repairs, furniture, express, books, and other expenses deemed necessary by the court the following sums: To the Northern Grand Division the sum of three thousand dollars (\$3,000) per annum; to the Central Grand Division the sum of two thousand dollars (\$2,000) per annum; to the Southern Grand Division the sum of fifteen hundred dollars (\$1,500) per annum, the same to be payable upon bills of particulars certified to by at least two of the justices of

8 said court; the sum of three hundred dollars (\$300) per annum to Northern and South-  
 9 ern Grand Divisions, and the sum of seven hundred and fifty dollars to the Central  
 10 Grand Division of said court, for salary of librarian; said librarian of the Central  
 11 Grand Division to be appointed by the judges of the Supreme Court, and care of  
 12 library, payable quarterly on the certificate of at least two of the justices of said court;  
 13 the sum of three hundred dollars per annum to the Northern and Southern Grand di-  
 14 visions of said court; and for the Central Grand Division of said court the sum of six  
 15 hundred dollars (\$600) for the pay of janitors to perform such duties as shall be deter-  
 16 mined by said justices to be paid quarterly on the order of at least two of the justices  
 17 of said court.

Nineteenth—The sum of twenty-five dollars (\$25) for the payment of bailiff of the  
 2 Court of Claims at its last session, payable upon the order of said court; also the sum  
 3 of fifty dollars, or as much thereof as may be necessary for the payment of such bailiff  
 4 at the next session of said Court of Claims, payable upon the order of the judges of  
 5 said court.

Twentieth—For public printing, twenty thousand dollars, or so much thereof as may  
 2 be required. For public binding, ten thousand dollars per annum, or so much thereof  
 3 as may be required. The public printing and binding to be paid for according to the  
 4 contract, upon the certificate of the board of commissioners of State Contracts, ap-  
 5 proved by the Governor.

Twenty-first—The sum of fifty-seven thousand dollars (\$57,000), or so much thereof  
 2 as may be necessary to pay the interest on the school fund, distributed annually in pur-  
 3 suance of law, the amount appropriated under this clause, to be paid out of the Illinois  
 4 Central railroad fund.

Twenty-second—Such sums as may be necessary, not to exceed twenty thousand dol-  
 2 lars (\$20,000), to refund the taxes on real estate sold or paid in error, and for over pay-  
 3 ments of collectors accounts, under laws governing such cases, to be paid out of the  
 4 proper funds.

Twenty-third—For laborers, janitors and watchmen of the State House, who shall  
 2 perform such duties as shall be assigned to them by the Secretary of State, the sum of  
 3 six thousand dollars (\$6,000) per annum, payable quarterly upon the order of said Sec-  
 4 retary of State.

Twenty-fourth—For the salary of the curator of the Illinois State Historical Library and Natural History Museum, the sum of two thousand dollars (\$2,000) per annum, and for the salary of one assistant, the sum of six hundred dollars per annum. For the contingent and necessary expenses of the curator, including traveling on business connected with his office, the sum of three hundred dollars per annum. For additional cases, furniture, and other necessary articles for the curator's office and the museum, the sum of thirty-five hundred dollars (\$3,500), to be paid upon the order of the board of trustees of the Illinois State Historical Library and Natural History Museum, and approved by the Governor.

Twenty-fifth—To the Railroad and Warehouse Commissioners for the incidental expenses of their office, including cars, stationery, postage and telegraphing expenses, extra clerk hire, the fees of experts employed, and for the Secretary's salary, and for all necessary expenditures, except those hereinafter provided for, a sum not to exceed four thousand dollars per annum. For expenses incurred in suits or investigations commenced by authority of the State under any law now in force or hereafter to be enacted, empowering or instructing the board of commissioners, the sum of five thousand dollars per annum, or such part thereof as may be needed for such purpose. The appropriations made by this clause, to be paid upon detailed statements filed with the Auditor, bearing the order of the board and approved by the Governor.

Twenty-sixth—A sum not to exceed fifty thousand dollars, to pay the compensation allowed them by law to be paid on pay rolls certified by the presiding officers of the respective houses or as otherwise provided by law.

Twenty-seventh—The sum of three thousand dollars for rewards for arrests of fugitives from justice, to be paid upon bills of particulars, having the order of the Governor endorsed thereon.

Twenty-eighth—For copying the laws, journals and joint resolutions of the General Assembly, as provided by law, one thousand two hundred dollars (\$1,200). For distribution of the laws, journals and other State documents and incidental expenses connected therewith, the sum of one thousand dollars.

Twenty-ninth—For heating, fuel, repairs and pay of engineers and firemen of the State House and other incidental expenses thereof, the sum of ten thousand dollars per annum, or so much thereof as may be needed. For lighting the State House and other

4 incidental expenses thereof, the sum of five thousand dollars per annum, or so much  
5 thereof as may be necessary to be paid, upon bills of particulars, certified by the Secre-  
6 tary of State and approved by the Governor.

Thirtieth—The sum of five thousand dollars, or so much thereof as may be needed, to  
2 pay the necessary expenses of the different standing and special committees of the two  
3 houses, their experts, witnesses and clerks, of the thirty-first (31st) General Assembly,  
4 payable on the certificate of the chairman of the respective committees, approved by  
5 the presiding officers of the respective houses.

Thirty-first—To the State Board of Equalization, for paying expenses, a sum not to  
2 exceed ten thousand dollars per annum, payable in the manner provided by law.

Thirty-second—The sum of three thousand dollars (\$3,000) to the Auditor of Public  
2 Accounts, for cases for, and arrangement and care of the books, papers and correspon-  
3 dence received from the United States' Land Office, formerly located at Springfield,  
4 Illinois.

Thirty-third—The sum of one thousand dollars (\$1,000) per annum, for the purchase  
2 of books for the Southern Illinois Penitentiary library, at Chester, to be paid upon bills  
3 of particulars, having the order of the Governor endorsed thereon.

Thirty fourth—Such sum as may be necessary to enable the Secretary of State to  
2 purchase such volumes of the reports of the decisions of the Supreme Court as he is or  
3 may be required by law to purchase, to be paid on bills of particulars, certified by  
4 the Secretary of State and approved by the Governor.

Thirty-fifth.—To the Secretary of State for hire of clerks required by law to be  
2 furnished by him to the Illinois State Board of Health the sum of fifteen hundred dol-  
4 lars per annum payable quarterly on his order. To the Secretary of State for the pur-  
5 chase and necessary incidental expenses of books for State Library the sum of three  
6 thousand dollars (\$3,000) per annum payable on bills certified by the Board of Com-  
7 missioners of State Library and approved by the Governor.

Thirty-sixth.—The amount of the Illinois Central Railroad fund remaining in and ac-  
2 cruing to the State Treasury is hereby appropriated for the payment of interest on the  
3 State debt, and the principal of such State bonds as have been or may be called in by  
4 proclamation of the Governor, and the Auditor shall issue his warrant upon the proper

5 evidence of the payment of interest, or surrender of the bonds approved by the Gov-  
6 ernor.

Thirty-seventh.—To the Secretary of the Senate and the Clerk of the House the sum  
2 of three hundred and sixty dollars (\$360) each, which amount is to pay the said secre-  
3 tary and clerk for revising, correcting and reading the proof of the journals of both  
4 Houses; also for supervising and attending to their publication, said amount to be  
5 certified to by the President of the Senate and Speaker of the House, and the Auditor  
6 of Public accounts is hereby authorized to draw his warrant therefor.

Thirty-eighth.—The Secretary of the Senate and the Clerk of the House of Represen-  
2 tatives are hereby authorized to each retain two assistants to aid them in comparing  
3 the proof of the journals and arranging the sets of bills for the members; said assistants  
4 to receive one hundred and twenty dollars (\$120) each, said amounts to be certified to  
5 the Auditor by the presiding officers of the two Houses, and the Auditor is hereby  
6 instructed to draw his warrant in favor of such persons so certified to for the amounts  
7 allowed therein.

Thirty-ninth.—The Janitor of the Secretary of the Senate is hereby allowed thirty  
2 days extra time to be certified to by the president of the Senate.

§ 2. The Auditor of Public Accounts is hereby authorized and directed to draw  
2 his warrant on the State Treasurer for the sums herein specified, upon presentation of  
3 the proper vouchers, and the State Treasurer shall pay the same out of the proper  
4 funds in the treasury not otherwise appropriated, said warrants shall be drawn in fa-  
5 vor of and payable to the order of the persons entitled thereto.

1. Introduced by Mr. Joslyn, from Committee on Appropriations, May 15, 1879, and ordered to first reading.
2. First reading May 18, and ordered to second reading.
3. May 21, second reading, amended and ordered to third reading.

## A BILL

For an Act to provide for the ordinary and contingent expenses of the State government, until the expiration of the first fiscal quarter after the adjournment of the next regular session of the General Assembly.

**SECTION 1.** *Be it enacted by the people of the State of Illinois, represented in the General*

- Assembly,* That the following named sums be and are hereby appropriated to meet the ordinary and contingent expenses of the State government, until the expiration of the first fiscal quarter after the adjournment of the next regular session of the General Assembly.

First—A sum not exceeding three thousand five hundred dollars (\$3,500) per annum, shall be subject to the order of the Governor, for defraying all such public expenses of the State government as are unforeseen by the General Assembly, and not otherwise provided for by law; payment to be made from time to time upon bills of particulars certified by the Governor.

Second—The sum of three thousand dollars (\$3,000) per annum, for clerk hire in the Governor's office, payable quarterly, upon the Governor's order.

Third—To the Governor's office, for postage, express, telegraphing, and other incidental expenses, a sum not exceeding seven hundred and fifty dollars per annum, to be paid on bill of particulars, certified by the Governor.

Fourth—To the Governor's office, for porter, six hundred dollars per annum, payable quarterly, upon the order of the Governor.

Fourth—To the Governor, for repairs and care of the executive mansion and grounds, and for heating and lighting the executive mansion, three thousand dollars (\$3,000) per annum, to be paid upon bills of particulars, certified to by the Governor.

Fifth—To the Secretary of State, for clerk hire in his office, the sum of ten thousand and five hundred dollars (\$10,500) per annum, payable quarterly on his order. To the Secretary of State, for repairs, postage, expressage, telegraphing and other incidental expenses of the office, a sum not exceeding three thousand dollars (\$3,000) per annum, payable upon bills of particulars, certified by the Secretary of State and approved by the Governor. To the Secretary of State, for two porters and messengers, the sum of seven hundred dollars (\$700) each per annum, payable quarterly on his order; also, for continuing work in fixing, classifying and arranging the files and records of the office of the State Department, the sum of three thousand dollars (\$3,000) per annum, payable upon bills of particulars, certified by the Secretary of State and approved by the Governor. To the Secretary of State, for the payment of all incidental expenses incurred by the Secretary of State in the care and custody of the State House and grounds and other State property, and in repairs and improvements of the same, and for the performance of such other duties as may be imposed upon him by law, and for which no other appropriation has been made, the sum of ten thousand dollars for the year 1879, and the sum of ten thousand dollars for the year 1880, payable upon bills of particulars certified by the Secretary of State and approved by the Governor.

Sixth—To the Auditor of Public Accounts, for clerk hire, the sum of seven thousand and five hundred dollars (\$7,500), to be paid quarterly. To the Auditor of Public Accounts, for two porters and messengers, the sum of seven hundred dollars each, per annum, payable quarterly on his order. To the office of Auditor of Public Accounts for repairs, postage, express charges, telegraphing and other necessary expenses incurred in the discharge of the duties thereof, a sum not exceeding one thousand five hundred dollars (\$1,500) per annum.

Seventh—To the State Treasurer for clerk hire, the sum of four thousand dollars (\$4,000) per annum, payable quarterly on his order. To the office of the State Treasurer, for repairs, express charges, postage, telegraphing and other necessary office expenses, a sum not to exceed one thousand dollars (\$1,000) per annum payable upon bills of particulars, certified by him and approved by the Governor. To the State



6 Treasurer, the sum of three thousand and two hundred dollars (\$3,200) per annum, for  
 7 two night and two day watchmen, and the sum of eight hundred dollars (\$800) per an-  
 8 num, for one porter, payable quarterly on his order. To the State Treasurer, the sum  
 9 of three thousand dollars (\$3,000) or as much thereof as may be necessary for alterations,  
 10 repairs and refitting his office, payable on bills of particulars, certified by him and ap-  
 11 proved by the Governor.

Eighth—To the Superintendent of Public Instruction, for clerk hire, the sum of two  
 2 thousand and seven hundred dollars (\$2,700) per annum, and for a janitor, porter and  
 3 messenger, who shall also perform the duties of clerk when not otherwise employed,  
 4 the sum of eight hundred dollars (\$800) per annum, payable quarterly upon his order.  
 5 To the Superintendent of Public Instruction for repairs, periodicals and educational  
 6 works, and other necessary expenses of said office, a sum not exceeding one thousand  
 7 five hundred dollars per annum, payable on bills of particulars certified by him and ap-  
 8 proved by the Governor. Appropriations made by this clause to be paid out of the  
 9 State school fund.

Ninth—To the Attorney General for clerk hire, the sum of twenty-five hundred dol-  
 2 lars (\$2,500) per annum, payable quarterly on his order. For porter and messenger for  
 3 the Attorney General, the sum of six hundred dollars (\$600) per annum, payable quar-  
 4 terly on his order. To the office of the Attorney General for telegraphing, postage and  
 5 other necessary expenses of the Attorney General incurred in the discharge of the du-  
 6 ties of his office, a sum not exceeding two thousand dollars (\$2,000) per annum, pay-  
 7 able on bills of particulars certified by him and approved by the Governor.

Tenth—To the office of Adjutant General, the sum of six hundred dollars per an-  
 2 num for janitor and ordnance sergeant to keep the State arms in order, payable on his  
 3 order; also for telegraphing, postage and office expenses, a sum not exceeding seven  
 4 hundred dollars (\$700) per annum, payable on bills of particulars certified by the Ad-  
 5 jutant General and approved by the Governor.

Eleventh—To the custodian of field notes and surveys for his office expenses, the sum  
 2 of six hundred dollars (\$600) per annum; and for one janitor and messenger, two hun-  
 3 dred dollars (\$200) per annum, payable on bills of particulars certified by him and ap-  
 4 proved by the Governor.

Twelfth—To the Board of Public Charities, for expenses including the salary of sec-

retary and clerk, a sum not exceeding seven thousand dollars (\$7,000) per annum, payable quarterly on bills of particulars approved by the Governor.

Thirteenth—A sum not exceeding two thousand dollars (\$2,000) per annum, for costs and expenses on State suits to be paid on bills of particulars certified by the Auditor and approved by the Governor.

Fourteenth—A sum not exceeding twenty-five thousand dollars, or so much thereof as may be necessary, for conveying convicts to the penitentiary, to be paid on the Warden's certificate, at the compensation fixed by the general law, the Auditor to compute the distance by the nearest railroad route.

Fifteenth—For the payment of the expenses provided for by law for the apprehension and delivery of fugitives from justice, twenty thousand dollars (\$20,000), or so much thereof as may be necessary, payable out of the levy of 1878, and ten thousand dollars payable out of the levy of 1879, to be paid on the evidence required by law, certified to and approved by the Governor.

Sixteenth—The sum of three thousand dollars (\$3,000) per annum, or so much thereof as may be needed, for conveying juvenile offenders to the Reform School at Pontiac, on the certificate of delivery, at the rate of compensation allowed by law, the Auditor to compute the distance by the nearest railroad route.

Seventeenth—For printing paper and stationery for the use of the General Assembly and executive departments, purchased on contracts as required by law, payable on delivery thereof, on bills of particulars certified to by the Board of Commissioners of State Contracts and approved by the Governor, the sum of twenty thousand dollars (\$20,000) or so much thereof as may be needed, payable out of the levy of 1878, and fifteen thousand dollars payable out of the levy of 1879.

Eighteenth—There is hereby appropriated to defray the incidental and contingent expenses of the Supreme Courts, to-wit: For stationery, repairs, furniture, express, books, and other expenses deemed necessary by the court the following sums: To the Northern Grand Division, the sum of three thousand dollars (\$3,000) per annum; to the Central Grand Division, the sum of two thousand dollars (\$2,000) per annum; to the Southern Grand Division, the sum of fifteen hundred dollars (\$1,500) per annum, the same to be payable upon bills of particulars, certified to by at least two of the justices of said court; the sum of three hundred dollars (\$300) per annum to Northern and South-

ern Grand Divisions, and the sum of seven hundred and fifty dollars to the Central Grand Division of said court, for salary of librarian; said librarian of the Central Grand Division to be appointed by the judges of the Supreme Court, and care of library, payable quarterly on the certificate of at least two of the justices of said court; the sum of three hundred dollars per annum to the Northern and Southern Grand Divisions of said court; and for the Central Grand Division of said court the sum of six hundred dollars (\$600) for the pay of janitors to perform such duties as shall be determined by said justices, to be paid quarterly on the order of at least two of the justices of said court.

Nineteenth—The sum of twenty-five dollars (\$25) for the payment of bailiff of the Court of Claims at its last session, payable upon the order of said court; also the sum of fifty dollars, or as much thereof as may be necessary for the payment of such bailiff at the next session of said Court of Claims, payable upon the order of the judges of said court.

Twentieth—For public printing, twenty thousand dollars, or as much thereof as may be required. For public binding, ten thousand dollars per annum, or so much thereof as may be required. The public printing and binding to be paid for according to the contract, upon the certificate of the Board of Commissioners of State Contracts, approved by the Governor.

Twenty-first—The sum of fifty-seven thousand dollars (\$57,000), or so much thereof as may be necessary to pay the interest on the school fund, distributed annually in pursuance of law, the amount appropriated under this clause to be paid out of the Illinois Central railroad fund.

Twenty-second—Such sums as may be necessary, not to exceed twenty thousand dollars (\$20,000), to refund the taxes on real estate sold or paid in error, and for over-payments of collectors' accounts, under laws governing such cases, to be paid out of the proper funds.

Twenty-third—For laborers, janitors and watchmen of the State House, who shall perform such duties as shall be assigned to them by the Secretary of State, the sum of four thousand dollars (\$4,000) per annum, payable quarterly upon the order of said Secretary of State.

Twenty-fourth—For the salary of the curator of the Illinois State Historical Library

For the Illinois State Historical Library and Natural History Museum, the sum of two thousand dollars (\$2,000) per annum, and for the salary of one assistant, the sum of six hundred dollars per annum. For the contingent and necessary expenses of the curator, including traveling on business connected with his office, the sum of three hundred dollars per annum. For additional cases, furniture, and other necessary articles for the curator's office and the museum, the sum of thirty-five hundred dollars (\$3,500), to be paid upon the order of the board of trustees of the Illinois State Historical Library and Natural History Museum, and approved by the Governor.

Twenty-fifth—To the Railroad and Warehouse Commissioners, for the incidental expenses of their office, including cars, stationery, postage and telegraphing expenses, extra clerk hire, the fees of experts employed, and for the Secretary's salary, and for all necessary expenditures, except those hereinafter provided for, a sum not to exceed four thousand dollars per annum. For expenses incurred in suits or investigations commenced by authority of the State under any law now in force or hereafter to be enacted, empowering or instructing the board of commissioners, the sum of five thousand dollars per annum, or such part thereof as may be needed for such purpose. The appropriations made by this clause, to be paid upon detailed statements filed with the Auditor, bearing the order of the board and approved by the Governor.

Twenty-sixth—A sum not to exceed fifty thousand dollars, to pay the compensation of the employees of the next General Assembly, allowed them by law, to be paid on pay rolls certified by the presiding officers of the respective Houses, or as otherwise provided by law.

Twenty-seventh—The sum of three thousand dollars for rewards for arrests of fugitives from justice, to be paid upon bills of particulars, having the order of the Governor endorsed thereon.

Twenty-eighth—For copying the laws, journals and joint resolutions of the General Assembly, as provided by law, one thousand two hundred dollars (\$1,200). For distribution of the laws, journals and other State documents and incidental expenses connected therewith, the sum of one thousand dollars.

Twenty-ninth—For heating, fuel, repairs and pay of engineers and firemen of the State House, and other incidental expenses thereof, the sum of ten thousand dollars per annum, or so much thereof as may be needed. For lighting the State House and other

4 incidental expenses thereof, the sum of five thousand dollars per annum, or so much  
 5 thereof as may be necessary to be paid, upon bills of particulars, certified by the Secre-  
 6 tary of State and approved by the Governor.

Thirtieth—The sum of five thousand dollars, or so much thereof as may be needed,  
 2 to pay the necessary expenses of the different standing and special committees of the  
 2 two houses, their experts, witnesses and clerks, of the thirty-first (41st) General As-  
 4 sembly, payable on the certificate of the chairman of the respective committees, ap-  
 5 proved by the presiding officers of the respective houses.

Thirty-first—To the State Board of Equalization, for paying expenses, a sum not to  
 2 exceed ten thousand dollars per annum, payable in the manner provided by law.

Thirty-second—The sum of three thousand dollars (\$3,000) to the Auditor of Public  
 2 Accounts, for cases for, and arrangement and care of the books, papers and correspon-  
 3 dence received from the United States Land Office formerly located at Springfield,  
 4 Illinois.

Thirty-third—The sum of one thousand dollars (\$1,000) per annum, for the purchase  
 2 of books for the Southern Illinois Penitentiary library, at Chester, to be paid upon bills  
 3 of particulars, having the order of the Governor endorsed thereon. Also the further  
 4 sum of five thousand dollars to the order of the Commissioners of the Southern Illinois  
 5 Penitentiary, and the sum of twenty thousand dollars to the order of the Commis-  
 6 sioners of the Illinois State Penitentiary, for the purpose of paying the gratuities of money  
 7 and clothing to convicts discharged from said penitentiaries, that are now provided by  
 8 law.

Thirty-fourth—Such sum as may be necessary to enable the Secretary of State to  
 2 purchase such volumes of the reports of the decisions of the Supreme Court as he is or  
 3 may be required by law to purchase, to be paid on bills of particulars, certified by the  
 4 Secretary of State and approved by the Governor.

Thirty fifth—To the Secretary of State for hire of clerks required by law to be fur-  
 2 nished by him to the Illinois State Board of Health, the sum of fifteen hundred dollars  
 3 per annum, payable quarterly on his order. To the Secretary of State for the purchase  
 4 and necessary incidental expenses of books for State Library, the sum of three thou-  
 5 sand dollars (\$3,000) per annum, payable on bills certified by the Board of Commission-  
 6 ers of State Library, and approved by the Governor.

Thirty-sixth—The amount of the Illinois Central Railroad fund remaining in and accruing to the State Treasury is hereby appropriated for the payment of interest on the State debt, and the principal of such State bonds as have been or may be called in by proclamation of the Governor, and the Auditor shall issue his warrant upon the proper evidence of the payment of interest, or surrender of the bonds approved by the Governor.

Thirty-seventh—To the Secretary of the Senate and Clerk of the House the sum of three hundred and sixty dollars (\$360) each, which amount is to pay the said secretary and clerk for revising and correcting the journals of both Houses, and classifying, folding and labeling bills, documents and papers required by law to be deposited with the Secretary of State; also for supervising and attending to their publication; said amount to be certified to by the President of the Senate and Speaker of the House, and the Auditor of Public Accounts is hereby authorized to draw his warrant therefor.

Thirty-eighth—The Secretary of the Senate and the Clerk of the House of Representatives are hereby authorized to each retain three assistants, to aid them in comparing the journals and arranging the sets of bills for the members; said assistants to receive one hundred and twenty dollars (\$120) each, said amounts to be certified to the Auditor by the presiding officers of the two Houses, and the Auditor is hereby instructed to draw his warrant in favor of such persons so certified to for the amounts allowed therein.

Thirty-ninth—The janitor of the Secretary of the Senate is hereby allowed thirty days extra time to be certified to by the President of the Senate.

Fortieth—The sum of one million dollars, (1,000,000) annually out of the State School Fund to pay the amount of the Auditor's orders, and for distribution of such fund to the several counties. The Auditor shall issue his warrants on the proper evidence that the amount distributed has been paid to the county school superintendents.

§ 2. The Auditor of Public Accounts is hereby authorized and directed to draw his warrant on the State Treasurer for the sums herein specified, upon presentation of the proper vouchers, and the State Treasurer shall pay the same out of the proper funds in the treasury, not otherwise appropriated; said warrants shall be drawn in favor of and payable to the order of the persons entitled thereto.

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(In House.)

1. Reported to House May 22, 1879.
2. First reading May 22, and referred to Committee on Appropriations.
3. Reported back with amendments, passage recommended, and ordered to second reading, May 23.

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## A BILL

For an act to provide for the ordinary and contingent expenses of the State government, until the expiration of the first fiscal quarter after the adjournment of the next regular session of the General Assembly.

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SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the following named sums be and are hereby appropriated to meet the ordinary and contingent expenses of the State government, until the expiration of the first fiscal quarter after the adjournment of the next regular session of the General Assembly.

First—A sum not exceeding three thousand five hundred dollars (\$3,500) per annum, shall be subject to the order of the Governor, for defraying all such public expenses of the State government as are unforeseen by the General Assembly, and not otherwise provided for by law; payment to be made from time to time upon bills of particulars certified by the Governor.

Second—The sum of three thousand dollars (\$3,000) per annum, for clerk hire in the Governor's office, payable quarterly, upon the Governor's order.

Third—To the Governor's office, for postage, express, telegraphing, and other incidental expenses, a sum not exceeding seven hundred and fifty dollars per annum, to be paid on bills of particulars, certified by the Governor.

Fourth—To the Governor's office, for porter, six hundred dollars per annum, payable quarterly, upon the order of the Governor.

To the Governor, for repairs and care of the executive mansion and grounds, and for heating and lighting the executive mansion, three thousand dollars (\$3,000) per annum, to be paid upon bills of particulars, certified to by the Governor.

Fifth—To the Secretary of State, for clerk hire in his office, the sum of ten thousand and five hundred dollars (\$10,500) per annum, payable quarterly on his order. To the Secretary of State, for repairs, postage, expressage, telegraphing and other incidental expenses of the office, a sum not exceeding three thousand dollars (\$3,000) per annum, payable upon bills of particulars, certified by the Secretary of State and approved by the Governor. To the Secretary of State, for two porters and messengers, the sum of seven hundred dollars (\$700) each per annum, payable quarterly on his order; also, for continuing work in indexing, classifying and arranging the files and records of the office of the State Department, the sum of three thousand dollars (\$3,000) per annum, payable upon bills of particulars, certified by the Secretary of State and approved by the Governor. To the Secretary of State, for the payment of all incidental expenses incurred by the Secretary of State, in the care and custody of the State House and grounds and other State property, and in repairs and improvements of the same, and for the performance of such other duties as may be imposed upon him by law, and for which no other appropriation has been made, the sum of ten thousand dollars for the year 1879, and the sum of ten thousand dollars for the year 1880, payable upon bills of particulars certified by the Secretary of State and approved by the Governor.

Sixth—To the Auditor of Public Accounts, for clerk hire, the sum of seven thousand and five hundred dollars (\$7,500), to be paid quarterly. To the Auditor of Public Accounts, for two porters and messengers, the sum of seven hundred dollars each, per annum, payable quarterly on his order. To the office of Auditor of Public Accounts, for repairs, postage, express charges, telegraphing and other necessary expenses incurred in the discharge of the duties thereof, a sum not exceeding one thousand five hundred dollars (\$1,500) per annum.

Seventh—To the State Treasurer, for clerk hire, the sum of four thousand dollars (\$4,000) per annum, payable quarterly on his order. To the office of the State Treasurer, for repairs, express charges, postage, telegraphing and other necessary office ex-



4 penses, a sum not to exceed one thousand dollars (\$1,000) per annum, payable upon  
 5 bills of particulars, certified by him and approved by the Governor. To the State  
 6 Treasurer, the sum of three thousand and two hundred dollars (\$3,200) per annum, for  
 7 two night and two day watchmen, and the sum of eight hundred dollars (\$800) per an-  
 8 num, for one porter, payable quarterly on his order. To the State Treasurer, the sum  
 9 of three thousand dollars (\$3,000) or as much thereof as may be necessary for altera-  
 10 tions, repairs and refitting his office, payable on bills of particulars, certified by him and  
 11 approved by the Governor.

Eighth—To the Superintendent of Public Instruction, for clerk hire, the sum of two  
 2 thousand and seven hundred dollars (\$2,700) per annum, and for a janitor, porter and  
 3 messenger, who shall also perform the duties of clerk when not otherwise employed,  
 4 the sum of eight hundred dollars (\$800) per annum, payable quarterly upon his order.  
 5 To the Superintendent of Public Instruction for repairs, periodically and educational  
 6 works, and other necessary expenses of said office, a sum not exceeding one thousand  
 7 five hundred dollars per annum, payable on bills of particulars certified by him and ap-  
 8 proved by the Governor. Appropriations made by this clause to be paid out of the  
 9 State school fund.

Ninth—To the Attorney General for clerk hire, the sum of twenty-five hundred dol-  
 2 lars (\$2,500) per annum, payable quarterly on his order. For porter and messenger for  
 3 the Attorney General, the sum of six hundred dollars (\$600) per annum, payable quar-  
 4 terly on his order. To the office of the Attorney General for telegraphing, postage and  
 5 other necessary expenses of the Attorney General incurred in the discharge of the du-  
 6 ties of his office, a sum not exceeding two thousand dollars (\$2,000) per annum, paya-  
 7 ble on bills of particulars certified by him and approved by the Governor.

Tenth—To the office of Adjutant General, the sum of six hundred dollars per an-  
 2 num for janitor and ordnance sergeant to keep the State arms in order, payable on his  
 3 order; also for telegraphing, postage and office expenses, a sum not exceeding seven  
 4 hundred dollars (\$700) per annum, payable on bills of particulars certified by the Ad-  
 5 jutant General and approved by the Governor.

Eleventh—To the custodian of field notes and surveys for his office expenses, the sum  
 2 of six hundred dollars (\$600) per annum; and for one janitor and messenger, two hun-

3 dred dollars (20¢) per annum, payable on bills of particulars certified by him and ap-  
4 proved by the Governor.

Twelfth—To the Board of Public Charities, for expenses including the salary of sec-  
2 retary and clerk, a sum not exceeding seven thousand dollars (\$7,000) per annum, pay-  
3 able quarterly on bills of particulars approved by the Governor.

Thirteenth—A sum not exceeding two thousand dollars (\$2,000) per annum, for costs  
2 and expenses on State suits, to be paid on bills of particulars certified by the Auditor  
3 and approved by the Governor.

Fourteenth—A sum not exceeding twenty-five thousand dollars, or so much thereof  
2 as may be necessary, for conveying convicts to the penitentiary, to be paid on the War-  
3 den's certificate, at the compensation fixed by the general law, the Auditor to compute  
4 the distance by the nearest railroad route.

Fifteenth—For the payment of the expenses provided for by law for the apprehen-  
2 sion and delivery of fugitives from justice, twenty thousand dollars (\$20,000), or so  
3 much thereof as may be necessary, payable out of the levy of 1878, and ten thousand  
4 dollars (\$10,000) payable out of the levy of 1879, to be paid on the evidence required by  
5 law, certified to and approved by the Governor.

Sixteenth—The sum of three thousand dollars (\$3,000) per annum, or so much there-  
2 of as may be needed, for conveying juvenile offenders to the Reform School at Pontiac,  
3 on the certificate of delivery, at the rate of compensation allowed by law, the Auditor  
4 to compute the distance by the nearest railroad route.

Seventeenth—For printing paper and stationery for the use of the General Assembly  
2 and executive departments, purchased on contracts as required by law, payable on de-  
3 livery thereof, on bills of particulars certified to by the Board of Commissioners of State  
4 Contracts and approved by the Governor, the sum of twenty thousand dollars (\$20,000)  
5 or so much thereof as may be needed, payable out of the levy of 1878, and fifteen thou-  
6 sand dollars payable out of the levy of 1879.

Eighteenth—There is hereby appropriated to defray the incidental and contingent  
2 enpenses of the Supreme Courts, to-wit: For stationery, repairs, furniture, express,  
3 books, and other expenses deemed necessary by the court the following sums: To the  
4 Northern Grand Division, the sum of three thousand dollars (\$3,000) per annum; to  
5 the Central Grand Division, the sum of two thousand dollars (\$2,000) per annum; to

6 the Southern Grand Division, the sum of fifteen hundred dollars (\$1,500) per annum, the  
 7 same to be payable upon bills of particulars, certified to by at least two of the justices of  
 8 said court; the sum of three hundred dollars (\$300) per annum to Northern and South-  
 9 ern Grand Divisions, and the sum of seven hundred and fifty dollars to the Central Grand  
 10 Division of said court, for salary of librarian; said librarian of the Central Grand Di-  
 11 vision to be appointed by the judges of the Supreme Courts, and care of library, pay-  
 12 able quarterly, on the certificate of at least two of the justices of said court; the sum of  
 13 three hundred dollars per annum, to the Northern and Southern Grand Divisions of  
 14 said court; and for the Central Grand Division of said court the sum of six hundred  
 15 dollars (\$600) for the pay of janitors, to perform such duties as shall be determined  
 16 by said justices, to be paid quarterly, on the order of at least two of the justices of  
 17 said court.

Nineteenth—The sum of twenty-five dollars (\$25), for the payment of bailiff of the  
 2 Court of Claims at its last session, payable upon the order of said court; also, the sum  
 3 of fifty dollars, or as much thereof as may be necessary, for the payment of such bailiff  
 4 at the next session of said Court of Claims, payable upon the order of the judges of  
 5 said court.

Twentieth—For public printing, twenty thousand dollars, or so much thereof as may  
 2 be required. For public binding, ten thousand dollars per annum, or so much thereof  
 3 as may be required. The public printing and binding to be paid for according to the  
 4 contract, upon the certificate of the Board of Commissioners of State Contracts, ap-  
 5 proved by the Governor.

Twenty-first—The sum of fifty-seven thousand dollars (\$57,000), or so much thereof  
 2 as may be necessary to pay the interest on the school fund, distributed annually in pur-  
 3 suance of law, the amount appropriated under this clause to be paid out of the Illinois  
 4 Central railroad fund.

Twenty-second—Such sums as may be necessary, not to exceed twenty thousand dol-  
 2 lars (\$20,000), to refund the taxes on real estate sold or paid in error, and for over-pay-  
 3 ments of collectors' accounts, under laws governing such cases, to be paid out of the  
 4 proper funds.

Twenty-third—For laborers, janitors and watchmen of the State House, who shall  
 2 perform such duties as shall be assigned to them by the Secretary of State, the sum of

four thousand dollars (\$4,000) per annum, payable quarterly upon the order of said Secretary of State.

Twenty-fourth—For the salary of the curator of the Illinois State Historical Library and Natural History Museum, the sum of two thousand dollars (\$2,000) per annum, and for the salary of one assistant, the sum of six hundred dollars per annum. For the contingent and necessary expenses of the curator, including traveling on business connected with his office, the sum of three hundred dollars per annum. For additional cases, furniture, and other necessary articles for the curator's office and the museum, the sum of thirty-five hundred dollars (\$3,500), to be paid upon the order of the board of trustees of the Illinois State Historical Library and Natural History Museum, and approved by the Governor.

Twenty-fifth—To the Railroad and Warehouse Commissioners, for the incidental expenses of their office, including care, stationery, postage and telegraphing expenses, extra clerk hire, the fees of experts employed, and for the Secretary's salary, and for all necessary expenditures, except those hereinafter provided for, a sum not to exceed four thousand dollars per annum. For expenses incurred in suits or investigations commenced by authority of the State under any law now in force or hereafter to be enacted, empowering or instructing the board of commissioners, the sum of five thousand dollars per annum, or so much thereof as may be needed for such purpose. The appropriations made by this clause, to be paid upon detailed statements filed with the Auditor, bearing the order of the board and approved by the Governor.

Twenty-sixth—A sum not to exceed fifty thousand dollars, to pay the compensation of the employees of the next General Assembly, allowed them by law, to be paid on any rolls certified by the presiding officers of the respective Houses, or as otherwise provided by law.

Twenty-seventh—The sum of three thousand dollars for rewards for arrests of fugitives from justice, to be paid upon bills of particulars, having the order of the Governor endorsed thereon.

Twenty-eighth—For copying the laws, journals and joint resolutions of the General Assembly, as provided by law, one thousand two hundred dollars (\$1,200). For distribution of the laws, journals and other State documents, and incidental expenses connected therewith, the sum of one thousand dollars.

Twenty ninth—For heating, fuel, repairs and pay of engineers and firemen of the State House, and other incidental expenses thereof, the sum of ten thousand dollars per annum, or so much thereof as may be needed. For lighting the State House and other incidental expenses thereof, the sum of five thousand dollars per annum, or so much thereof as may be necessary to be paid, upon bills of particulars, certified by the Secretary of State and approved by the Governor.

Thirtieth—The sum of five thousand dollars, or so much thereof as may be needed, to pay the necessary expenses of the different standing and special committees of the two houses, their experts, witnesses and clerks, of the thirty-first (31st) General Assembly, payable on the certificate of the chairman of the respective committees, approved by the presiding officers of the respective houses.

Thirty first—To the State Board of Equalization, for paying expenses, a sum not to exceed ten thousand dollars per annum, payable in the manner provided by law.

Thirty-second—The sum of three thousand dollars (\$3,000) to the Auditor of Public Accounts, for cases for, and arrangement and care of the books, papers and correspondence received from the United States Land Office, formerly located at Springfield, Illinois.

Thirty-third—The sum of one thousand dollars (\$1,000) per annum, for the purchase of books for the Southern Illinois Penitentiary library, at Chester, to be paid upon bills of particulars, having the order of the Governor endorsed thereon. Also the further sum of five thousand dollars (\$5,000) to the order of the Commissioners of the Southern Illinois Penitentiary, and the sum of twenty thousand dollars (\$20,000) to the order of the Commissioners of the Illinois State Penitentiary, for the purpose of paying the gratuities of money and clothing to convicts discharged from said penitentiaries, that are now provided by law.

Thirty fourth—Such sum as may be necessary to enable the Secretary of State to purchase such volumes of the reports of the decisions of the Supreme Court as he is or may be required by law to purchase, to be paid on bills of particulars, certified by the Secretary of State and approved by the Governor.

Thirty-fifth—To the Secretary of State for hire of clerks required by law to be furnished by him to the Illinois State Board of Health, the sum of fifteen hundred dollars

per annum, payable quarterly on his order. To the Secretary of State for the purchase and necessary incidental expenses of books for State Library, the sum of three thousand dollars (\$3,000) per annum, payable on bills certified by the Board of Commissioners of State Library, and approved by the Governor.

Thirty-sixth—The amount of the Illinois Central Railroad fund remaining in and accruing to the State Treasury, is hereby appropriated for the payment of interest on the State debt, and the principal of such State bonds as have been or may be called in by proclamation of the Governor, and the Auditor shall issue his warrant upon the proper evidence of the payment of interest, or surrender of the bonds approved by the Governor.

Thirty-seventh—To the Secretary of the Senate and Clerk of the House the sum of three hundred and sixty dollars (\$360) each, which amount is to pay the said secretary and clerk for revising and correcting the journals of both Houses, and classifying, folding and labelling bills, documents and papers required by law to be deposited with the Secretary of State; said amount to be certified to by the President of the Senate and Speaker of the House, and the Auditor of Public Accounts is hereby authorized to draw his warrant therefor.

Thirty-eighth—The Secretary of the Senate and the Clerk of the House of Representatives are hereby authorized to each retain three assistants, to aid them in comparing the journals and arranging the sets of bills for the members; said assistants to receive one hundred and twenty dollars (\$120) each, said amounts to be certified to the Auditor by the presiding officers of the two Houses, and the Auditor is hereby instructed to draw his warrant in favor of such persons so certified to for the amounts allowed therein.

Thirty-ninth—The janitor of the Secretary of the Senate is hereby allowed thirty days extra time, to be certified to by the President of the Senate.

Fortieth—The sum of one million dollars (\$1,000,000) annually out of the State School Fund to pay the amount of the Auditor's orders, and for distribution of said fund to the several counties. The Auditor shall issue his warrants on the proper evidence that the amount distributed has been paid to the county school superintendent.

§ 2. The Auditor of Public Accounts is hereby authorized and directed to draw his

2 warrant on the State Treasurer for the sums herein specified, upon presentation of the  
3 proper vouchers, and the State Treasurer shall pay the same out of the proper funds in  
4 the treasury not otherwise appropriated; said warrants shall be drawn in favor of and  
5 payable to the order of the persons entitled thereto.

(In House.)

1. Reported to House May 22, 1879.
2. First reading May 22, and referred to Committee on Appropriations.
3. Reported back, passage recommended, and ordered to second reading May 23.
4. Second reading, amended and ordered to third reading May 27.

Amendments to Senate Bill No. 488, adopted by the House of Representatives May 27, 1879:

Amend by striking out the word "Porter" in 8th line of 7th paragraph, and insert  
2 in lieu thereof the words "messenger and clerk."

Amend by striking out the words and figures "three thousand dollars (\$3,000)"  
2 in 9th line of 7th paragraph, and insert in lieu thereof the words and figures "four  
3 thousand dollars (\$4,000)."

Amend by striking out the words and figures "two thousand and seven hundred dol-  
2 lars (\$2,700)" in 1st and 2d lines of eighth paragraph, and insert in lieu thereof the  
3 words and figures "two thousand and four hundred dollars (\$2,400)."

Amend by striking out the words and figures "eight hundred dollars (\$800)" in 4th  
2 line of 8th paragraph, and insert in lieu thereof the words and figures "six hundred  
3 dollars (\$600)."

Amend by striking out the words and figures "twenty-five hundred dollars (\$2500)"  
2 in 1st and 2d lines of 9th paragraph, and insert in lieu thereof the words and figures  
3 "eighteen hundred dollars (\$1800)."

Amend by inserting after the words "per annum," in 4th line of 10th paragraph, the  
2 words "also for making the necessary cases and accommodations for preserving the  
3 battle flags and other trophies now in the care of the Adjutant General, the sum of  
4 three thousand dollars (\$3,000), or so much thereof as may be necessary; also that the  
5 Adjutant General be and he is hereby authorized to use such lumber and other material  
6 as is now on hand for said purpose."

Amend by striking out the words "and for one janitor and messenger two hundred  
2 dollars (\$200) per annum" in 21 and 2d lines of 11th paragraph.

Amend 9th paragraph by inserting after the words "per annum," in line 3, the fol-



2 lowa, which porter and messenger shall also act as porter and messenger for the  
3 Central and Field Notes."

Amend 14th paragraph to read as follows: "For the Board of Public Charities for  
2 salary of Secretary twenty-five hundred dollars per annum, and for clerk and other  
3 expenses a sum not to exceed three thousand dollars per annum, payable on bills of  
4 particulars, approved by the Governor."

Amend by inserting after the word "dollars" in 1st line of fourteenth paragraph, the  
2 words "per annum."

Amend by inserting after the words and figures "fifty-seven thousand dollars (\$57,000)  
2 in first line of twenty-first paragraph, the words "per annum."

Amend by striking out the words "the amount appropriated under this clause to be  
2 paid out to the Illinois Central railroad fund," in third and fourth lines of twenty-first  
3 paragraph.

Amend by striking out the words "not to exceed twenty thousand dollars (\$20,000)"  
2 in lines one and two of twenty-second paragraph.

Amend 23d paragraph by adding after words "per annum" in line 3, "or so much  
2 thereof as shall be necessary."

Amend 24th paragraph by striking out all after the words "per annum" in the fifth  
2 line of said paragraph.

In lines 2 and 3 of paragraph 24, strike out the words "and for the salary of one as-  
2 sistant, the sum of six hundred dollars per annum."

In line 2 of paragraph 24, strike out the words "two thousand dollars," and insert  
2 eighteen hundred dollars."

Amend last line of 28th paragraph, by striking out "one thousand" and insert in lieu  
2 of same "five hundred."

Amend 28th paragraph by inserting after the figures "\$1,200" in 2d line, the words  
2 "or so much thereof as may be necessary."

Amend line 4 of section 29, by striking out the word "five" and insert the word  
2 "four."

Amend by striking out the thirty-third paragraph.

Amend the 35th paragraph by striking out lines 4, 5 and 6, in printed bill, and insert  
2 instead thereof the following words: "Of books for State Library, the sum of five

3 thousand dollars per annum; and the further sum of fifteen hundred dollars per annum  
 4 for repairs and binding of books, and incidental expenses connected with said library,  
 5 not including furniture or shelving; said several amounts to be paid on bills  
 6 certified by the commissioners of the State Library and approved by the Governor;  
 7 *Provided*, that none of the moneys hereby appropriated shall be expended for books of  
 8 fiction."

Amend paragraph 35 by adding after the words "per annum," in line 3, the words  
 2 "or so much thereof as shall be necessary."

Amend by striking out all of paragraphs 37, 38 and 39.

Amend by adding a new paragraph, as follows:

2	¶ 41. For the purpose of paying the expenses incident to the establishment of the	
3	Appellate Court in the Third Appellate District, the sum of fifteen hundred and forty-	
4	six and 90-100 dollars, upon presentation of accounts of	
5	J. H. Barclay & Co.....	\$ 264 80
6	Frank Simmons.....	297 65
7	Frank Hudson, Jr.....	281 55
8	Culver, Page, Hoynes & Co.....	10 00
9	Illinois State Register Co.....	116 00
10	N. Leroy.....	6 00
11	W. K. Richards.....	8 75
12	Springfield Journal Co.....	10 00
13	R. Beet.....	12 75
14	Geo. Sexer.....	200 00
15	E. C. Hauberger.....	167 50
16	C. M. Smith & Co.....	171 90

17 Certified to be correct and to have been necessary, by the presiding justice of said  
 18 court, and the further sum of one thousand dollars per annum, or so much thereof as  
 19 may be necessary, for the payment of the necessary incidental expenses of said court,  
 20 for the two years from and after July 1, 1879, to be paid upon accounts certified to be  
 21 correct and necessary by the presiding justice of said court."

Add as follows: "Paragraph 42.—The sum of one thousand two hundred dollars to

2 be paid to Lottie Moore, as a balance of salary due her father, the late Enosh Moore,  
 3 she being the only surviving heir."

Amend section one by adding the following: "Paragraph 43.—To the Commissioners  
 2 ers of Labor Statistics to pay the salary of said commissioners and their secretary, and  
 3 also their office and incidental expenses, the sum of three thousand dollars (\$3,000) per  
 4 annum or so much thereof as may be necessary, the same to be paid under the condi-  
 5 tions of an act creating said commission."

Amend by adding as follows: "Paragraph 44.—The sum of two thousand dollars for  
 2 the year ending in 1880, and the sum of one thousand dollars for the year ending 1881,  
 3 or so much thereof as may be necessary, to the Fish Commissioners of this State, to be  
 4 used by them in pursuance of law, all expenditures to be upon bills of particulars certi-  
 5 fied to by a majority of commissioners and approved by the Governor.

Add as follows: "Paragraph 45.—That the sum of five hundred dollars or so much  
 3 thereof as may be necessary for the purpose of paying the proper traveling and hotel  
 4 expenses of a clerk, to be appointed by the Governor, who, under the Governor's order,  
 5 shall proceed to Washington, D. C., and there, by permission of the proper authorities,  
 6 transcribe the records of all Illinois soldiers who have served in the Black Hawk or  
 7 Mexican wars, together with the military services rendered by men from Illinois who  
 8 enlisted in the regular army or navy for any such wars, and after having such copy  
 9 records duly authenticated by the war department, to bring them to the Governor of  
 10 the State of Illinois, to be deposited in the archives of the State Adjutant General's  
 office for examination and safe keeping.

W. B. TAYLOR, Clerk.

1. Introduced by Mr. Hunt, from Committee on Judiciary, May 15, 1879, and ordered to first reading.
2. First reading May 15, and ordered to second reading.

### A BILL

For an act to provide for the payment of damages to land and other property, sustained by the owners thereof, by the construction of the dam on the Illinois river near Henry, in Marshall county, Illinois.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That a sum not exceeding* be, and the same is hereby appropriated out of any money in the State Treasury not otherwise appropriated, to pay the damages sustained by the owners of lands and other property, on the Illinois river, occasioned by the construction of the lock and dam near Henry, on said river, by the authority of the State of Illinois, according to the recommendation contained in the report of the joint select committee of the two Houses of the thirtieth General Assembly, and that said sum of money be paid as follows, to-wit:

NAME.	AMOUNT.
To Jacob and Nicholas Lucinger	\$290 00
To Joseph Lanktree	1,320 00
To George M. Lanktree	460 00
To John Masters	120 00
To Brown Smith	585 00
To Charles Knapp	180 00

# 2 NAMES.

# AMOUNT.

To Jacob Wasson	\$325 00
To John L. McCormick	200 00
To Atherton Clark	600 00
To Miles E. Wheeler	270 00
To Noah Hackman	460 00
To Harriet Newell	120 00
To John Schier	100 00
To John Frey	80 00
To Nicholas Bease	150 00
To Elizabeth Huffman	54 00
To Henry Hunter	490 00
To Dwight E. Morgan	320 00
To heirs, at law, of Isabella Myers deceased, and Harriet A. C. Talbot	640 00
To William Waugh	365 00
To Addison Mullin	153 00
To Frederick Liebold	120 00
To James T. Johnson	480 00
To John Lehman	60 00
To Ruben Bishop	840 00
To Alvin Perkins	510 00
To Otto Halblibe	459 00
To heirs of Samuel B. Wharton, deceased	90 00
To Paul Cramer	60 00
To Phillip R. Bohlen	180 00
To Charles Coleman	123 00
To Samuel H. Smith	128 00
To J. Henry Hasler	195 00
To James R. Taliaferro	160 00
To heirs of Courtland R. Condit, deceased	250 00
To Michael Maurer	246 00
To Sophia Waters	92 00
To heirs of Joshua B. Simpson, deceased	180 00
To L. C. Rousseau	80 00

NAMES.	AMOUNT.
To Amos T. Purviance	\$187 00
To James S. Taffemire	440 00
To Leland Broadus	340 00
To Alexander Hoagland	40 00
To the heirs of Guy W. Pool, deceased	480 00
To John Locke	150 00
To Stephen G. Worley	120 00
To Isaac C. Goff	80 00
To Hiram C. Wright	80 00
To Anthony Reavey	705 00
To Robert Davis	690 00
To Ezra J. and George W. Townley	302 00
To Phillip H. Green	910 00
To Richard Lloyd	2,000 00
To Bolivar Morgan	140 00
To Melinda Morgan	25 00
To Bolivar and Emmet Morgan	75 00
To heirs of Alanson Morgan, deceased	60 00
To John G. Baker	294 00
To Clark J. Townley	105 00
To the heirs of James Dennis	70 00
To James M. Robertson	200 00
To William Scott Robertson	80 00
To Jacob Barnhardt	50 00
To William Q. and Frank T. Smith	160 00
To William Q. and P. J. Smith	120 00
To Benjamin Newall	114 00
To William Q. Smith	355 00
To David S. Miller	4,180 00
To Martin Bunchbaugh	80 00
To William Allen	1,900 00
To heirs of William Shields	682 00
To Timothy Wood	880 00

NAME.	AMOUNT.
William Spelling.....	\$821 00
William Locks.....	78 00
William Dore.....	360 00
Henry Hassler.....	220 00
William W. White.....	565 00
† To William Q. Smith, P. J. Smith and Benjamin Newell.....	400 00
† To William Q. Smith and Benjamin Newell.....	60 00
† To William Q. Smith, P. J. Smith and Henry Hassler.....	16 00
† To Frank T. Smith and Henry Hassler.....	174 00
† To David S. Miller and the heirs of William Shields, deceased.....	480 00
† To A. F. W. Webb and Hiram W. White.....	480 00

† Cases of double claimants.

§ 2. In no case shall any portion of said money, hereby appropriated, be paid for damages upon any tract, or plat of any tract of land, or to any property, unless the same is described in the report of said joint select committee as damaged by the construction of said dam; nor shall any greater sum be paid for damages on any tract, or part of tract of land, or property, than is recommended by the said committee in their said report to be paid: *Provided*, that if it shall appear to the Auditor from the record, that an error has occurred in the description of any tract or tracts of land, in said report, the damages shall be paid upon the tract or tracts which the whole record of the proceedings of said committee shows was intended to be described in said report.

§ 3. Any of the claimants mentioned in section one of this act, or their heirs or legal representatives, may make an application in writing to the Auditor of Public Accounts for a warrant on the State Treasurer for the amount directed by this act, to be paid such claimant as damages on the tract or part of tract of land or property described in the record of the proceedings had before said committee, as being owned by such claimant; which application shall contain a description of the tract or tracts, or part of tract of land, for the damage to which said committee has recommended the payment of said several sums of money specified in section one of this act. Such claimant, or his or her heirs or legal representatives, shall also file with the Auditor a written release under seal, and acknowledged as in case of conveyances of real estate, releasing all damages

11 heretofore sustained, or which may be hereafter sustained by the owner or owners of  
 12 said lands or other property, occasioned by the construction, maintenance or repair of  
 13 said dam; such release shall describe all the lands and other property of such claim-  
 14 ant, which were submitted to the investigation of said committee, as well those upon  
 15 which said committee recommend the payment of damages as those upon which  
 16 said Committee refused to allow damages, and such release shall in terms and  
 17 effect be a complete discharge to the State of Illinois, by such owner or owners, of all  
 18 damages sustained, or hereafter to be sustained to any and all lands and other proper-  
 19 ty; and if such release complies with the terms of this act, in form and substance, and  
 20 the Auditor be satisfied as to the identity of the claimant (or his or her heir or legal  
 21 representative who may apply) as being the persons entitled to receive such sum for  
 22 damages, he shall draw his warrant on the State Treasurer for the amount of such dam-  
 23 ages, and deliver the same to such claimant; and the acceptance by such claimant or  
 24 claimants, of such warrant for the sums specified, as allowed to each in section one of  
 25 this act, is hereby declared to be a complete and perpetual bar to any further claims  
 26 for damages, to any and all lands and other property submitted to the investigation of  
 27 said committee.

§ 4. The Auditor shall in no case draw his warrant, unless each and every claimant  
 2 for damages to the several tracts of land and pieces of property, and also the several  
 3 persons named in section 2 of this act as entitled to the damages upon the same, their  
 4 heirs or legal representatives, shall first, jointly and severally release, in the manner  
 5 and form provided for in section 3.

§ 5. The report and evidence taken, and the record of all proceedings had before the  
 2 said joint select committee, and the papers accompanying the said report, shall be de-  
 3 posited and preserved in the office of the Auditor of Public Accounts, and the same  
 4 shall at all times be subject to examination and inspection, by any claimant or party  
 5 interested therein.



1. Introduced by Mr. Lewis May 24, 1879, and ordered to first reading.
2. First reading May 24, and ordered to second reading.

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## A BILL

For an Act to extend the term of office of the Judges of the Appellate Courts.

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SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General*

*Assembly, That the present judges of the Appellate Courts of this State shall continue to act as such judges until their successors are duly elected and qualified.*

§ 2. All acts and parts of acts, in conflict herewith, are hereby repealed.

§ 3. WHEREAS, Under the existing law the offices of judges of the Appellate Courts, would necessarily remain vacant for some time after the first Monday of June, A. D. 1879, and great inconvenience would be caused thereby; therefore, an emergency exists, and this act shall be in force from and after its passage.

### SUGGESTIONS.

Under the existing law, the terms of office of the judges of the Appellate Courts expire June 2, 1879. When the law provides that a term of office shall be a certain number of years, the person appointed holds until his successor is duly qualified. But no such rule obtains when the law declares the term shall expire on a certain day. It will be very inconvenient throughout the State to have no one who can act as Appellate judges. Besides, in the Second District, the June term will be very likely to be lost.



- 4 Congress, as shall be sufficient for the improvement of the Mississippi river, to a ca-  
5 pacity sufficient for Ocean steamor navigation from St. Louis to the Gulf of Mexico.

Amendment to the amendment offered by Mr. Joslyn, Jan. 28, 1879.

- Add to amendment " and a Ship Canal from Chicago to the Mississippi river by the  
3 most practical route.

1. Offered by Mr. Joslyn January 10, 1879.
  2. January 14, referred to Committee on Revenue.
  3. February 1, reported back and ordered printed.
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*Resolved by the Senate, the House of Representatives concurring herein, That there shall*

2 be submitted to the voters of this State, at the first general election for members of the

3 General Assembly, after the passage of this resolution, a proposition to so amend the first

4 section of the ninth article of the Constitution of the State of Illinois entitled "Revenue,"

5 that the same will read as follows: "The General Assembly may provide such revenue

6 as may be needful, by taxing any or all of the following named occupations and inter-

7 ests, to-wit: Peddlers, auctioneers, brokers, hawkers, merchants, commission mer-

8 chants, jugglers, inn-keepers, showmen, liquor dealers, toll bridges, ferries, insurance,

9 telegraph and express interests or business, venders of patents, and persons or corpora-

10 tions owning or using franchises or privileges, in such manner as it shall from time to

11 time direct by general law, uniform as to class upon which it operates, which may be

12 in lieu of other tax, or in addition thereto, and the General Assembly may provide for

13 taxation of property by valuation, so that every person and corporation shall pay a tax

14 in proportion to the value of his, her or its property, such value to be ascertained by

15 some person or persons to be elected or appointed in such manner as the General As-

16 sembly may direct.

1. Offered by Mr. Fuller, January 31, 1878.
2. January 31, 1878, taken up and made the Special order for Wednesday January 23, 1878, 11 o'clock, a. m. and printed.

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*Resolved*, by the Senate, the House of Representatives concurring herein, That it is the sense of this General Assembly that United States Senators should be elected by a direct vote of the people, at a general election.

*Resolved*, That our Senators in Congress be instructed and our Representatives requested to propose an amendment to the Federal Constitution, so changing Section 3 of Article 1 thereof, as to make the office of United States Senator elective by the people, and to use all honorable means to secure the adoption of such an amendment.

*Resolved*, That the Secretary of State be instructed to send certified copies of these resolutions to each of our Senators and Representatives in Congress.

Printed by the Government Printer, at the Government Press, No. 11, Market Street, Singapore.

Article 1, Section 2, Clause 3 of the United States Constitution provides that "The Electors in each State shall have the Qualifications requisite for Electors in that State." The Supreme Court has held that this clause requires that the electors be qualified to vote in the state in which they are to vote. In *McPherson v. Blacker*, 146 U.S. 177 (1892), the Court held that the electors must be qualified to vote in the state in which they are to vote. The Court stated that the clause "requires that the electors be qualified to vote in the state in which they are to vote." This requirement is satisfied by the electors in the present case, as they are qualified to vote in the state in which they are to vote.

1. Offered by Mr. Dearborn, January 21, 1879.
2. January 22, ordered printed and special order for Thursday January 30, at 10:30 o'clock, a. m., on motion of Mr. Dearborn.

WHEREAS, The act of Congress to determine the jurisdiction of the Circuit Courts of the United States, and to regulate the removal of causes pending in the State Courts to Federal Courts, are, in the opinion of this General Assembly, in violation of the spirit of the Constitution, as indicated by the judiciary act of 1787, remaining in force for nearly three-fourths of a century, without material change; and,

WHEREAS, The said acts of Congress tend to the centralization of Judicial power in the courts of the General Government, thereby producing conflicts between the State and Federal Judicial powers, impairing the independence of the State Judiciary, causing inconvenience and expense to our people, and often defeating the ends of justice by placing it beyond the reach of the weak and poor; therefore,

*Resolved*, by the Senate of the State of Illinois, the House of Representatives concurring herein, That our Senators and Representatives in Congress be requested so to amend the laws for the removal of causes pending in the State Courts to the Federal Courts, as shall conform to the spirit of the judiciary act of 1787, and be in harmony with the constitutional rights of the States and of the General Government.

Approved January 10, 1879

Approved January 10, 1879

1  
2

Section 1

Section 2

Section 3

Section 4

Section 5

Section 6

Section 7

Section 8

Section 9

Section 10

Section 11

Section 12



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(In House.)

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Amendment to section 8 of Article 10, of the constitution, relating to the election of county officers. Senate Message No. 20 asking concurrence in the following resolution:

*Resolved by the Senate of the State of Illinois, the House of Representatives concurring*

herin, That there shall be submitted to the voters of this State, at the next election for members of the general assembly, a proposition to so amend the eighth (8) section of the tenth (10) article of the constitution of this State, so that the same may read as follows:

“In each county there shall be elected the following county officers, at the general election to be held on Tuesday after the first Monday in November, A. D., 1883, a county judge, county clerk, sheriff and treasurer, and at the election to be held on the Tuesday after the first Monday in November A. D., 1884, a coroner and clerk of the circuit court (who may be ex-officio recorder of deeds, except in counties having 80,000 and more inhabitants, in which counties a recorder of deeds shall be elected at the general election in 1884) each of said officers shall enter upon the duties of his office, respectively on the first Monday of November, after his election, and they shall hold their respective offices for the term of four years, and until their successors are elected and qualified. *Provided*, that no person having been once elected to the office of sheriff or treasurer shall be eligible to re-election to said office for four years after the expiration of the term for which he shall have been elected.

The foregoing resolution was ordered printed by the House of Representatives May 6, 1879.

W. B. TAYLOR, Clerk.

1. Offered by Mr. Hamilton, January 28, 1879.
  2. Five hundred copies ordered printed, and made special order for Tuesday February 4, 1879, at 10:30 o'clock a. m.
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WHEREAS, The Revenue Laws of this State have proved by practice and experience,  
2 to be entirely inadequate to accomplish the desired result, to-wit: "An equal and just  
3 assessment of public taxes upon all property according to its actual value, and the sure  
4 collection of such taxes when equitably assessed;" and

5 WHEREAS, Under our present system, many kinds of property are assessed either  
6 more or less than their just proportion of taxation; and

7 WHEREAS, There is now a vast amount of due and unpaid taxes, assessed in the var-  
8 ious counties of this State, the present provisions of the Revenue Laws being insuffi-  
9 cient to promptly or surely enforce its collection; and

10 WHEREAS, The necessities of the situation demand a thorough revision or change of  
11 our present revenue system; and

12 WHEREAS, Experience has taught us that it is impracticable and unwise for the Leg-  
13 islature, as a whole, to attempt to revise or change the system of laws pertaining to  
14 the Revenue, and prepare a consistent and acceptable Revenue Code without an ex-  
15 tremely long session of the General Assembly, and the expenditure of a very large  
16 amount of money for the expenses of such long session; and

17 WHEREAS, We believe such revision or change of the Revenue Laws, can best be ac-  
18 complished through the agency of a commission chosen for that purpose, and charged  
19 with the duty of revising or changing the present law, and preparing a full and com-  
20 plete code of Revenue Laws to be reported to an adjourned session of this General As-  
21 sembly for its approval, amendment, adoption or rejection; therefore, be it

22 *Resolved*, by the Senate, the House of Representatives concurring herein, That there  
23 shall be appointed and constituted a commission for the purpose of preparing a com-  
24 plete code, revising or changing the present Revenue Laws, as the commission shall  
25 see fit; which commission shall consist of thirteen members, and shall be appointed

26 and constituted as follows: "Three Senators to be chosen by the Senate in such man-  
27 ner as the Senate shall adopt; five Representatives to be chosen by the House of Rep-  
28 resentatives, in such manner as that House shall adopt, and five other proper, learned  
29 skillful persons from the body of the commonwealth, outside the members of the Gen-  
30 eral Assembly, to be nominated and appointed by the Governor, by and with the ad-  
31 vice and consent of the Senate.

32 *Resolved*, That such commission, when appointed and constituted, shall be charged  
33 with the duty of preparing a complete Revenue System, or code, to be submitted to an  
34 adjourned session of this General Assembly, for its action as hereinafter provided.

35 *Resolved*, That such commission shall convene and commence its sittings at the Cap-  
36itol, in the city of Springfield, on the first Tuesday in September, A. D. 1878, and may  
37 hold sessions at any other point within the State, that the commission may deem ne-  
38 cessary, and shall continue such sessions until said work is accomplished, and shall be  
39 allowed to elect one clerk and one assistant, one doorkeeper and one assistant, who  
40 shall also act as messenger; the said clerks and doorkeepers to receive the same pay  
41 as by law is now fixed for clerks and doorkeepers in the General Assembly; and said  
42 commission shall have power to send for persons and papers, and require reports and  
43 information from all State officers on subjects pertaining to the work of the commis-  
44 sion.

45 *Resolved*, That the members of said commission shall be paid the same per diem and  
46 mileage during the sitting of said commission, as is now allowed by law, to the mem-  
47 bers of the General Assembly, and no more; but that the contingent expenses of the  
48 commission shall be paid as hereinafter provided.

49 *Resolved*, That the Secretary of State be and he hereby is directed to furnish said  
50 commission with all necessary stationery and conveniences for its use while in session,  
51 on requisition signed by the chairman of said commission.

52 *Resolved*, That the expenses of said commission, including pay of members, clerks  
53 and doorkeepers, shall be paid from the fund appropriated by law for the expenses of  
54 the General Assembly.

55 *Resolved*, That when the present session of the General Assembly adjourns, it shall  
56 be to the first Wednesday after the first Tuesday in January, A. D. 1880, when it shall  
57 meet for the purpose of receiving and acting upon the report of the Revenue Commis-

58 sion hereby constituted, and subjects immediately connected therewith, and for no  
59 other purpose.

60 *Resolved*, That all bills introduced in either House of this General Assembly at this  
61 session, proposing amendments or changes to the Revenue Laws, shall, upon recom-  
62 mendation of the Revenue Committee of either House, be referred to the Revenue  
63 Commission hereby constituted, or to be laid upon the table as such separate House  
64 may order.

(In House.)

Relating to the Abolition of the two State Normal Universities as State Institutions.

WHEREAS, It is questionable whether the State should continue to maintain as State Institutions, the Normal University, at Normal, and the Southern Normal University, at Carbondale; and,

WHEREAS, It is desirable to ascertain the wishes of the people touching the further maintenance of said universities as State Institutions, in order that the next General Assembly (should the people desire the abolition of the said universities) may so legislate with reference to said universities, as to effectuate and carry out the wishes of the people in that regard; therefore, be it

*Resolved by the Senate, the House of Representatives concurring hereto, That for the purpose of ascertaining the sentiment and wishes of the people, touching the further maintenance by the State of the Normal University, at Normal, and the Southern Normal University, at Carbondale, as State Institutions, there shall be submitted to the voters of this State, at the election for members of the General Assembly, to be held in November, A. D. 1880, a proposition to abolish said universities as State Institutions.*

*Resolved, That at said election there shall be printed or written, on the ballot of each elector voting upon said proposition, the words "For abolishing the two State Normal Universities," or "Against abolishing the two State Normal Universities."*

*Resolved, That the Secretary of State publish these resolutions in full, in at least two newspapers at the seat of government, at least three months prior to the next election of members of the General Assembly, and that he send to each of the county clerks of this State a copy of these resolutions, at least two months prior to said election.*

*Resolved, That the county clerks of the respective counties of this State shall, with the election notices of the next election for members of the General Assembly, and in the manner required by law for notices of general elections, give notice that at such election the proposed abolition of the said two State Normal Universities will be sub-*

mitted to the electors of this State, for the purpose of ascertaining whether the people desire that they shall longer be maintained by the State.

*Resolved*, That the ballots cast for and against said abolition of said universities shall be by the judges and clerks of such election received, canvassed and returned to the county clerks of their respective counties, at the same time and in the same manner as the ballots cast at said election for members of the General Assembly are required by law to be received, canvassed and returned to said clerks.

*Resolved, further*, That the county clerks of the respective counties, with the assistance of two justices of the peace of the county, shall, the time he opens the returns and makes abstracts of the votes cast at such elections for officers, also make abstracts in duplicate of the votes cast for and against the abolition of the said two State Normal Universities, and immediately after the completion of said abstracts the county clerk shall inclose one of the same in a sealed envelope, and endorse thereon the words: "Abstract of votes for and against the abolition of the two State Normal Universities," and address and mail the same to the Secretary of State, and shall file the other of said abstracts in his office.

The Secretary of State, Auditor, Treasurer and Attorney General, or any two of them, in the presence of the Governor, shall proceed within twenty days after the election aforesaid, and sooner if all the returns are received, to canvass the votes given for and against said proposition to abolish the two State Normal Universities, as shown by said abstracts, and shall publish the same and lay the same before the next General Assembly of this State.

W. B. TAYLOR, Clerk.

1. Offered by Mr. Callon Jan. 28, 1879, and referred to Committee on Federal Relations.
  2. Feb. 21, 1879, reported back, passage recommended, amendment approved, and made special order for Feb. 26, 11 A. M.
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WHEREAS, the State of Illinois has a just claim against the United States for interest

2 paid upon money advanced by the State to aid in the prosecution of the late war to  
3 suppress the rebellion, under a certain act of Congress, approved July 27, 1861; and,

4 WHEREAS, the United States Government has hitherto failed and neglected to adjust,  
5 settle and pay said claim; therefore,

6 *Be it resolved by the Senate, the House of Representatives concurring herein, That the*  
7 Governor be and he is hereby authorized and directed to appoint some suitable person  
8 as agent on behalf of the State to prosecute the claim of the State therefor, either be-  
9 fore Congress or any of the departments of the Government, as the case may require,  
10 and to receive and to receipt for all such moneys on behalf of the State: *Provided, the*  
11 Governor shall take bond from such agent in double the sum which may probably be  
12 realized, conditioned that said agent shall faithfully perform his duties and pay over to  
13 the State Treasurer, any sum he may receive from the United States on account of said  
14 claim, less the amount of his fees as hereinafter provided for. The Governor is hereby  
15 vested with power to fix the compensation of said agent for the services above men-  
16 tioned, which shall be wholly contingent upon the successful prosecution of said claim,  
17 and which shall not exceed twenty five per cent. of the sum which may be allowed and  
18 recovered from the United States, and the State shall in no event be liable for any costs,  
19 fees or expenses in case the said agent shall fail in the prosecution of said claim.

Amendment offered Feb. 21, 1879, by Mr. Southworth.

Amend by striking out the words "twenty-five" and insert "ten" in lieu thereof;  
2 also strike out the words "and the State shall in no event be liable for any costs, fees  
3 or expenses in case the said agent shall fail in the prosecution of said claim."

- 1 Offered by Mr. Hunt February 4, 1879 and referred to Judiciary Committee.
  - 2 February 12, 1879, reported back, adoption recommended and ordered printed.
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*Resolved, by the Senate of the State of Illinois, the House of Representatives concurring*

2 *herein*, that there shall be submitted to the voters of this State at the next elec-  
3 tion for members of the General Assembly, a proposition to so amend the eighth (8)  
4 section of the tenth (10) article of the constitution of this State, so that the same may  
5 read as follows: In each county there shall be elected the following county officers:  
6 At the general election to be held on the Tuesday after the first Monday in November,  
7 A. D. 1882, a County Judge, County Clerk, Sheriff and Treasurer, and at the election  
8 to be held on the Tuesday after the first Monday in November, A. D. 1884, a Surveyor,  
9 Coroner, and Clerk of the Circuit Court, (who may be ex-officio Recorder of Deeds  
10 except in counties having 60,000 and more inhabitants, in which counties a Recorder  
11 of Deeds shall be elected at the general election in 1884). Each of said officers shall  
12 enter upon the duties of his office respectively, on the first Monday of December after  
13 his election, and they shall hold their respective offices for the term of four years, and  
14 until their successors are elected and qualified. *Provided*, that no person having been  
15 once elected to the office of Sheriff or Treasurer shall be eligible to re-election to either  
16 of said offices.



1. Offered by Mr. McClellan April 12, 1879.
  2. Ordered printed and laid on the table, under rule 40.
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*Resolved by the Senate, the House of Representatives concurring herein, That there shall*

- 2 be submitted to the voters of this State at the next election for members of the General
- 3 Assembly, a proposition to so amend section twelve of article four of the constitution of
- 4 this State, that the same may read as follows :

SECTION 12. All bills for raising a revenue, and all bills making appropriations of  
2 money, shall originate in the House of Representatives. All bills regarding courts, the  
3 judiciary, and practice in the courts, shall originate in the Senate. All other bills may  
4 originate in either House. Bills originating in one House may be altered, amended or  
5 rejected by the other. No member shall introduce a bill in either House, but all bills  
6 shall first be presented to the appropriate committee, and if approved, shall be intro-  
7 duced by such committee to the proper House. On the final passage of all bills, the  
8 vote shall be by yeas and nays upon each bill separately, and shall be entered upon the  
9 journal; and no bill shall become a law without the concurrence of the majority of the  
10 members elected to each House.

1. Offered by Mr. Whiting, Jan. 8, 1879. Laid over under the rules, 200 copies ordered
2. printed and made special order for January 9, at 10 o'clock A. M.
- 3 Jan. 9, 1879. Read. Amendment offered by Mr. Hamilton.
- 4 Resolution and amendment ordered referred to Committee on Printing when formed.

*Resolved by the Senate, That the Commissioners of State Contracts are hereby au-*  
2 *thorized and directed to cause to be printed daily during the session of the General*  
3 *Assembly, by the Contractor for that kind of State Printing termed the 3d class, the*  
4 *journals of this branch of the General Assembly and in the form now provided for by*  
5 *law the usual number designated by the Statute, and in addition thereto 500 extra*  
6 *copies for the use of the members of the Senate.*

The Commissioners of State Contracts are hereby authorized and empowered to is-  
2 sue vouchers payable from the appropriation for printing to the contractor for said 3d  
3 class, the contract price for the printing designated by law, and as a compensation for  
4 the extra copies herein provided for the Commissioners of State Contracts are em-  
5 powered to pay the said contractor such amount as they may determine upon as right  
6 and proper according to the existing printing contract and the legal rule for measur-  
7 ing all other public printing termed third class, and the Secretary of the Senate is  
8 hereby directed to furnish a full, complete and perfect copy of the journal of each days  
9 proceedings and deliver the same to the contractor of said 3d class of printing as fol-  
10 lows: The journal of the morning session at 4 o'clock P. M.; the journal of the after  
11 noon session at 9 o'clock P. M.; and the journal of the evening session at 12 o'clock  
12 midnight.

The contractor aforesaid shall cause to be placed in the P. O. Box of each member,  
2 The President and Secretary of the Senate, two proof copies of said daily journal at or  
3 before 9 o'clock A. M. of the following day.

And said proofs after being duly corrected by the Secretary of the Senate shall be  
2 returned to said contractor who shall immediately print the copies herein authorized

3 as well as the number provided by law, and deliver said extra copies to the Postmas-  
 4 ter of the Senate.

The Commissioners of State Contracts are required to make all preliminary details  
 1 to carry out the intention of this resolution.

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1 Offered by Mr. Whiting, Jan. 9, 1879. Laid over under the rules, and 500 copies  
2 ordered printed.

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WHEREAS, There is a world wide effort on the part of certain special interests to  
2 demonetize silver, and thus destroy as money one half of the coin of the world, there-  
3 by causing a shrinkage of all values, prolonged through a series of years, deranging  
4 business, and paralyzing industry and enterprise, therefore,

*Resolved, by the Senate,* the House concurring herein, that the silver dollar coming to  
2 us from Colonial times and as it existed under the Republic for nearly a hundred  
3 years, should be restored as the unit of value, with unlimited coinage with the issue  
4 of bullion certificates and all other privileges accorded to gold.

*Resolved,* That if experience shall prove that there needs to be a re-adjustment of  
2 weights as between gold and silver coin, gold should be the adjusting coin, as it has  
3 been heretofore.

*Resolved,* That the Secretary of State is hereby requested to send attested copies of  
2 these resolutions to each of our Senators and Representatives in Congress, with a re-  
3 quest that they present them to their respective Houses as the voice of the people of  
4 the State of Illinois represented in the General Assembly, and that our Senators are  
5 hereby instructed, and our Representatives requested to labor zealously to so change  
6 the laws as to secure these results full and complete.

1 Jan. 9, 1879. Offered by Mr. Archer. Laid over under the rules and 200 copies  
2 ordered printed.

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WHEREAS, The rapidly increasing population, and vast agricultural and mineral re-  
2 sources of the Mississippi Valley and the Gulf States, demand additional outlets by  
3 water transportation for their immense products to coastwise and foreign markets,  
4 and

WHEREAS, By improvement of the navigation of the Mississippi river and its tribu-  
2 taries, our surplus products could reach New Orleans at greatly reduced cost of trans-  
3 portation, and by means of a Ship Canal across the peninsula of Florida could reach  
4 the ocean for transportation to coastwise or foreign ports, and avoid the great sailing  
5 distance and perils of navigation through the straits of Florida and the Gulf stream to  
6 the sea, and also save the enormous rates of insurance upon commerce seeking a  
7 market through so perilous a passage, therefore,

*Resolved by the Senate, the House of Representatives concurring herein, That our Sen-*  
2 *ators and Representatives in Congress are hereby requested and instructed by all*  
3 *proper means, and by their votes to procure, if possible, such appropriation of money*  
4 *by Congress as shall be sufficient for the improvement of the Mississippi river and its*  
5 *chief tributaries to a capacity for Ocean steamer navigation, and to connect the waters*  
6 *of the Gulf of Mexico and the Carribbean Sea with the Atlantic, by ship canal across*  
7 *the State of Florida.*

1. Offered by Mr. Hanna, February 24, 1879, and one thousand copies ordered printed.

*Resolved by the Senate of the State of Illinois, the House of Representatives concurring*

2 *herein*, That the Revenue Law of this State should be amended as follows :

3 *First*.—That in all counties in this State there should be elected one county assessor  
4 in lieu of district assessor, who should hold his office for four years, with power to  
5 appoint deputies if necessary.

6 *Second*.—That real estate should be assessed for taxation not oftener than once in  
7 four years, (with suitable provision for reduction in case of improvements on the same,  
8 being destroyed by flood or fire) and that personal property should be assessed for tax-  
9 tion not oftener than once in two years.

10 *Third*.—That in every county with less than 40,000 inhabitants, there should be elect-  
11 ed every two years, one county treasurer, whose duty it shall be to collect all taxes and  
12 assessments due from any persons and corporations in their respective counties, whether  
13 such counties be under township organization or not.

14 *Fourth*.—That all assessments of personal property should be made with a view to  
15 the property owned by each individual, on the first day of January in the year in which  
16 assessments are to be made, and assessments to commence at that time.

17 *Fifth*.—That the Revenue Law should be so amended that corporations and companies  
18 chartered or created under the laws of other States but doing business in this State,  
19 should be subject to the same taxation as corporations created under the laws of this  
20 State.

21 *Sixth*.—That all property, whether the same belongs to persons, partnerships, or cor-  
22 porations, within the limits of this State, (except such as are especially exempt  
23 from taxation by the constitution) should be subject to the same burthens of  
24 taxation.

25 *Seventh*.—That in all equalizations of property for taxation, whether by the State

26 Board of Equalization, or by the County Board, the property of each county or town-  
27 ship, should be equalized at its true and fair cash value, regardless of whether it in-  
28 creases or diminishes the general aggregate of the State or County assessment.

29 *Eighth.*—That when the tax upon any real estate is not paid for any year, the same  
30 should be offered for sale as now provided by law, and if no person shall purchase the  
31 same, it shall, for the first year, be forfeited to the State, and ten per cent. added thereto  
32 as a penalty, and if not paid for the next year, but is again forfeited to the State, then  
33 the State shall cause the Treasurer of the county in which the land is situate, to offer  
34 said tract for the tax then due, and the person offering to pay the tax on said tract for  
35 the smallest number of acres off the east side of the same, shall have an absolute deed  
36 thereof: *Provided*, if the town lots or other property which, in the opinion of the  
37 County Treasurer, is not susceptible of division, then he may receive bids for the  
38 smallest undivided part for the amount of tax and costs due, and execute deed there-  
39 for, and the purchaser at either of such sales shall be put, by such Treasurer, into im-  
40 mediate possession of such property, and such tax deed shall be good and valid in all  
41 courts of law, and shall only be questioned in a Court of Chancery, if bill be filed  
42 within three years from the execution of such deed, but such deed shall only be  
43 declared invalid for one of the three following causes :

- 44 That the real estate was not, at the assessment, subject to assessment for tax.
- 45 That the tax for all the years for which the real estate had been assessed, was  
46 paid,
- 47 That said real estate had been redeemed from such sale as provided by law : *And*  
48 *provided*, further, that where a party purchases an undivided interest in any real estate,  
49 he may immediately file his petition in chancery for partition.

50 *Ninth.*—No deed, mortgage, or other instrument for the conveyance or incumbrance  
51 of any real estate, shall be admitted to record without the endorsement of the County  
52 Treasurer thereon, that all tax in said instrument described, has been paid.

53 *Tenth.*—No real estate shall be sold under any execution or writ of attachment,  
54 unless the purchaser shall first pay all tax due on said real estate, which amount may  
55 be included in said bid, and become a part of the same.

56 *Eleventh.*—No real estate shall be sold by any guardian, administrator, executor, or

57 master in chancery, without paying all tax due on said real estate out of the first  
58 proceeds of the sale, and such order shall be a part of such decree.  
59 *Twelfth.*—That there shall be some equitable provision to relieve the double assess-  
60 ment on real estate, which it is now subject to, when mortgaged.



